

- Minimum setbacks;
- Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- All civic uses by type and proposed site development regulations; and
- A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

C7/69

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

John Sumpter
210 Lee Barton Dr #213
Austin TX 78704

From: Ken Rochlen
Sent: Tuesday, December 11, 2012 12:04 PM
To: Heckman, Lee
Subject: Re: Rezoning request 211 S.Lamar file CD-2012-0021 PUD

C7
70

Based on the currently available information for the 211 S.Lamar PUD that would allow an exception to the current existing zoning and height requirements of 60 feet. we have seen no evidence that there is ANY community benefit to the requested 96 foot height. All 106 of the original buyers at Bridges (210 lee barton) were told that a companion condo of the same height and description was in the plan for the Taco Cabana property. We bought on that basis. The PUD proposal is 60% higher than our building and significantly higher than the Zach. In addition adding more units simply creates more traffic nightmare on an already overcrowded corner of Riverside and Lamar. Keep south of the river at 60 feet!

Ken Rochlen
Bridges on the Park
#618

From: Lilit Mouradian
Sent: Tuesday, December 11, 2012 12:05 PM
To: Heckman, Lee
Subject: Opposition of 211 Lamar Blvd zoning exceptions

C7
71

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While I understand a few PUD applications have been granted south of downtown and in the Waterfront Overlay, I believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. I respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- This location is the gateway to Zilker Park and the Austin Arts District as it is directly across Lamar Blvd from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- I do not believe PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is my understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, I have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than 210 Lee Barton Dr, my current place of residence, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, I am unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD. Additionally, the following information has not been provided:
 - Description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - Maximum floor-area ratio;
 - Total square footage and whether structured parking facilities are proposed;
 - Maximum impervious cover;

C1
12

- Minimum setbacks;
- Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- All civic uses by type and proposed site development regulations; and
- A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Lilit Mouradian
210 Lee Barton Dr #516
Austin TX 78704

C7
13

From: Chris Jordan
Sent: Tuesday, December 11, 2012 1:38 PM
To: Heckman, Lee
Subject: FW: 211 S. Lamar

Mr. Lee Heckman
City of Austin Planning and Development Review Department

Re: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Council Members:

As a pre-construction buyer on the top floor overlooking the site in question, I was told that any project built next door would not exceed the height of our building.

The quality and methods of construction were far less than we were led to believe. Finish out and workmanship turned out to be subpar.

We are now told that it would not make business sense to build at 60' tall and that for it to be economically feasible they need to go to 96'. This is simply CLB Partners attempting to salvage as much value as possible from the original land investment since the Bridges on the Park project was a financial disappointment.

CLB Partners, the Bridges on the Park developer, were entirely uncooperative in addressing construction defects throughout every facet of the development.

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.

C¹/₇₄

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

C7
15

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Chris Jordan, Unit 604 Bridges on the Park
Intercity Investments
4301 Westside Drive
Dallas, TX 75209

C1
26

From: Sandra Jain
Sent: Tuesday, December 11, 2012 3:53 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

December 11, 2012

Dear Mr. Heckman,

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

C1
77

- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
 - o total square footage and whether structured parking facilities are proposed;
 - o maximum impervious cover;
 - o minimum setbacks;
 - o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Saundra and Rakesh Jain
210 Lee Barton #602
Austin, Texas 78704

From: Claudia Davila C.
Sent: Tuesday, December 11, 2012 4:56 PM
To: Heckman, Lee
Cc: Chris Aune
Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

C7
78

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

C1
7/19

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Claudia & Christian Aune
210 Lee Barton Dr #511 Austin, TX 78704

From: ryancrossland@hsbc.com.hk
Sent: Tuesday, December 11, 2012 7:30 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

C7
80

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Mr. Lee Heckman / Austin City Council

Based on the existing information for the 211 South Lamar PUD, I **oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.**

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

- C7
81
- In addition, the following information has not been provided:
 - o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
 - o total square footage and whether structured parking facilities are proposed;
 - o maximum impervious cover;
 - o minimum setbacks;
 - o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Ryan Crossland

Associate Director | Global Investment Banking
The Hongkong and Shanghai Banking Corporation Limited
HSBC Main Building, 1 Queen's Road Central, Hong Kong

From: David Edrich
Sent: Thursday, December 13, 2012 10:34 AM
To: Heckman, Lee
Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

C1
82

To Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum.

I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich
210 Lee Barton Drive Unit #417

bridges

on the park

C1
83

December 11, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment;
Item 91 on Austin City Council's Agenda for December 13, 2012

Dear Council Members:

As owners of Bridges on the Park Condominiums, we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. This is Item 91 on Council's agenda for December 13, 2012.

The site is approximately 0.993 acres and is located on West Riverside Drive between South Lamar Boulevard and Lee Barton Road. For many years, Taco Cabana has leased this site. Bridges on the Park abuts the site directly to the south (for your reference, our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

Although we understand that the City is in the early stages of review of the PUD, we respectfully ask that you consider the input of Bridges on the Park owners.

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

C7/84

While we are aware that a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully request that the City consider the following factors when evaluating this particular PUD:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The existing PUD documents do not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

C1
85

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river. We have included these concerns in a valid petition, which was submitted to Lee Heckman in the City's Planning and Development Review Department.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would enhance our neighborhood, we have not received a response from anyone since mid-September.

In addition to shutting us out of the development process, as several of you are aware, the developer has refused to turn over control of the Bridges on the Park Condominium Association, Inc. to the owners. The developer's failure to turn over control has not only denied the owners their rights under the condominium documents, it has negatively impacted owners' ability to sell or refinance their units at Bridges on the Park. Many owners and prospective buyers have encountered significant problems with lenders when financing or refinancing. Because Bridges on the Park owners lack control, Bridges on the Park is considered a "non-warrantable" condominium project, and therefore, the units at Bridges on the Park are not eligible for Freddie Mac or Fannie Mae financing.

Despite numerous attempts by our attorney to work with the developer's legal counsel in good faith, we have received no written response; our first request for turn over was made on December 20, 2011. This lack of responsiveness from the developer and his legal counsel as well as the financial difficulties that our existing owners and prospective owners continue to face have left us no recourse other than to file a lawsuit to compel compliance with our governing condominium documents as well as applicable Texas law. Our attorney, James Cousar of Thompson & Knight, filed suit on our behalf on November 14, 2012.

Based on our considerable experience with the developer, we have serious doubts that we can trust a project of "superior" quality will be built at 211 South Lamar when we have been unable to achieve a reasonable level of cooperation thus far.

Thank you in advance for your time and assistance.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

Enclosure: signed and dated Valid Petition

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

C1/86

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

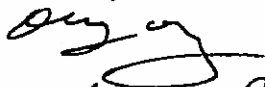

- C1/81
- In addition, the following information has not been provided:

- A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- the maximum floor-area ratio;
- total square footage and whether structured parking facilities are proposed;
- maximum impervious cover;
- minimum setbacks;
- the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- all civic uses by type and proposed site development regulations; and
- a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Oleg and Laura Buzinover
210 Lee Barton Drive
Unit 303
Austin, TX 78704

C1
88

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

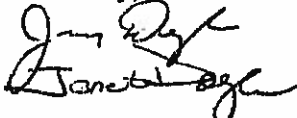
- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

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/89
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
 - In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,



Jerry and Janet Doyle
210 Lee Barton #416
Austin, Texas 78704

C7
90

December 11, 2012

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

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- C7
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On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

John Spotts / Julie Blahnik

John Spotts / Julie Blahnik
210 Lee Barton Dr.
Unit 311
Austin, TX 78704

C7
92

From: Sandra Jain
Sent: Tuesday, December 11, 2012 3:53 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

December 11, 2012

Dear Mr. Heckman,

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

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- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.

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- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*
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 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Saundra and Rakesh Jain
210 Lee Barton #602
Austin, Texas 78704

C7
94

From: Claudia Davila C.
Sent: Tuesday, December 11, 2012 4:56 PM
To: Heckman, Lee
Cc: Chris Aune
Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

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- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.

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Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Claudia & Christian Aune
210 Lee Barton Dr #511 Austin, TX 78704

From: ryancrossland@hsbc.com.hk
Sent: Tuesday, December 11, 2012 7:30 PM
To: Heckman, Lee
Subject: File Number: CD-2012-0021

CM
96

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Mr. Lee Heckman / Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

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- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:

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1/97

- o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- o the maximum floor-area ratio;
- o total square footage and whether structured parking facilities are proposed;
- o maximum impervious cover;
- o minimum setbacks;
- o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- o all civic uses by type and proposed site development regulations; and
- o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Ryan Crossland

Associate Director | Global Investment Banking
The Hongkong and Shanghai Banking Corporation Limited
HSBC Main Building, 1 Queen's Road Central, Hong Kong

C1/98

From: David Edrich
Sent: Thursday, December 13, 2012 10:34 AM
To: Heckman, Lee
Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

To Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.

File Number: CD-2012-0021
Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum.

I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich
210 Lee Barton Drive Unit #417

bridges

on the park

C7
/99

December 18, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums, we wrote to you last week regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

During the City Council's meeting on December 13, 2012, the preliminary presentation of this PUD was noted as item 91. Since the item did not allow for public comment, we would like to take this opportunity to address some of the statements made by the developer's representative, Mr. Steve Drenner, at the Council meeting.

First and foremost, the developer and his representatives have not been consulting with us in the manner that was portrayed. Mr. Drenner stated that the developer had been planning the proposed project in consultation with Bridges' owners for a year and a half. We have surveyed previous board members and other owners, and based on their responses, this timeline is inaccurate. The developer and his representatives made presentations to Bridges' owners on May 2, 2012 and September 4, 2012. In addition, two board members met with the developer and his representatives on July 17, 2012. In sum, as far as we are aware, the developer has met with Bridges' owners three times during the last seven months. In addition, since the last presentation in early September, the developer has not given us an opportunity to discuss how our concerns may be addressed or included us in the planning process. While we respect the property owners' right to develop this land, we feel that the numerous zoning exceptions

C1/100

the developer is requesting for this project give us a stake in the changing character of our neighborhood. We ask that you provide us this opportunity and allow us to have a seat at the table while this project is being developed.

Regarding the matter of the developer turning over control of the Bridges on the Park Condominium Association, Inc., Mr. Drenner stated last week that the "principal is the same" in both the Bridges project and the proposed project for the Taco Cabana site. Although one individual associated with the Bridges project may be involved in some other capacity in the proposed project, he is not the legal owner of the Taco Cabana site or the applicant seeking City approval. This key fact that Mr. Drenner called a mere technicality during his presentation is what has and continues to cause significant financial difficulties for our existing owners as well as prospective buyers—financial difficulties that the developer and Mr. Drenner were made aware of in August of this year. As of today, although the documents were once again provided to the developer's attorney, he has yet to sign over control of our homeowners' association.

On a final note, we have several questions related to Mr. Jerry Rusthoven's comments to the Council Members this past Thursday. The staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, Mr. Rusthoven indicated that the maximum height is 96 feet. What is the accurate number? In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

As constituents who are unfamiliar with the planning and development process, we remain unclear as to how the planning ordinances should be read. Mr. Rusthoven's responses seem to indicate that the City Planning and Development Review staff has flexibility to reinterpret ordinances or, in some cases, to disregard certain ordinances. We would very much appreciate any information that you can provide us as to how we can better understand this process and which ordinances will control this development.

We have designated one board member as the point of contact, but we have included all of our contact information for your convenience:

- Point of contact: Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Once again, thank you for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department

C1
101

From: Sushma Jasti Smith

Sent: Monday, February 25, 2013 9:27 PM

To: Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Spelman, William; Tovo, Kathle; Anderson, Greg; Moore, Andrew; Tiemann, Donna; Bojo, Leah; Gerbracht, Heidi; Harden, Joi; Heckman, Lee

Cc: Robert Wilson; Claudia Davila C.; Cousar, James E.; Donisi, John

Subject: Bridges on the Park Board of Directors' letter re: 211 S. Lamar PUD application

Dear Mayor and Council Members:

Please find attached a letter from the Board of Directors of Bridges on the Park regarding the 211 S. Lamar PUD application. Given the recent media coverage and the proposed timeline for consideration of the PUD, we thought it prudent to write to you with our concerns.

Please note that the other two Board members Robert Wilson and Claudia Davila, our attorney Jim Cousar, and the developer's attorney John Donisi are copied on this email.

We look forward to your reply and hope to have your assistance.

Thank you, Sushma

Sushma Jasti Smith

Vice President

Bridges on the Park Association, Inc.

210 Lee Barton Drive #609

Austin, TX 78704

281.772.9618 (mobile)

bridges

on the park

C7
102

February 25, 2013

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council
301 W. Second Street
Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums (BOTP), we wrote to you twice in December of 2012 regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

We truly appreciate the responsiveness of the majority of Council to our letters. Your assistance helped to initiate communications with the developer's representatives at Winstead, including Mr. Steve Drenner and Mr. John Donisi. To date, we have had one meeting, which took place on January 17, 2013, with the developer's representatives. Since that time, we have received some follow up information from Winstead. However, the majority of the owners' questions remain unanswered.

We are concerned that recent media coverage gives the false impression that BOTP owners approve of the requested PUD (see enclosed Austin American Statesman and Austin Business Journal articles). The reality is that we have been waiting for information from the developer. In good faith, we have kept an open mind to the proposed development but we cannot endorse a zoning change of this magnitude until either the developer or the City staff provide us the information that we have been requesting for months.

Exhibit C - 36

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For your reference, we have enclosed a list of follow up questions that we sent to Winstead on January 18, 2013. The items that remain unanswered and/or incompletely answered are highlighted in yellow. As you can see, most of our questions remain unanswered, even though it has been nearly six weeks since our meeting and the developer continues to finalize building plans with City staff.

Although we trust that you can review this list of items, there are several items of note that we request your attention:

1. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives, City staff, and Council Members. However, every schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.
2. The most recent schematic shows that the proposed PUD has 0' setbacks on Lamar Blvd., Riverside Drive, and Lee Barton Drive. We ask that minimum setbacks be put in place. In particular, on Lamar Blvd., we seek to ensure that the proposed building and sidewalks are built in alignment with our existing building. We fear that the schematic shows the proposed building will be built closer to the road than BOTP, and therefore, our owners whose balconies and windows face Lamar will be confronted by a 96-ft building, which is 60% higher than our building.
3. We are still waiting to learn where the base of the building is and how to calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House. We understand from the developer that the PUD site is six feet lower *on average* than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. Those familiar with Paggi House are aware that there are a significant number of stairs one must climb to get from the parking lot to the front door of Paggi House.
4. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. During our January 17th meeting, we asked the developer's representatives to address this issue. They offered to arrange a meeting with City Transportation staff, but we are still waiting on a time and place for this meeting.

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5. We asked that several conditions be included as PUD notes. Based on the document provided by Winstead (see enclosure), these items are not included:

- Filing a condo regime
- Maintaining existing buffer with Paggi House
- Prohibiting blockage of five north-facing hallway windows of BOTP
- Requiring minimum setbacks (more than 0 ft) on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
- Including sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

In addition to these aforementioned items, BOTP recently reached a sizeable settlement with the developer's insurance carrier with regard to faulty installation of the stucco exterior at BOTP. This poor installation by the builder has resulted in significant leaks throughout our building and garage. We are in the process of approving a bid for repairs and expect repairs to commence within the month. We would like the developer to ensure that, as they begin site preparation and construction, their building activities do not negatively impact our building with regard to shifts in our foundation, etc.

On a final note, we have not received answers to the questions that we posed to Council Members in our December 18, 2013 letter. For your reference, we have included the questions again herein below:

1. The City staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?
2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered at the Planning Commission and City Council, we write to you now to ask that you provide us with the answers to our questions and consider delaying consideration of the PUD until April to give BOTP owners an opportunity to truly be part of the planning process.

For your convenience, here is our contact information:

- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

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Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department
John Donisi & Steve Drenner, Winstead
James Cousar, Thompson & Knight

Enc: Follow up items from January 17, 2013 meeting of BOTP owners & Winstead
Proposed PUD document and schematic from Winstead
Austin American Statesman and Austin Business Journal articles

Plans for Taco Cabana site grow grander

Post prefers to build site bigger and as condos

JAN BUCHNOLZ

JBUCHNOLZ@BJJOURNALS.COM

The multifamily project that will replace a downtown Taco Cabana restaurant will be taller and denser than originally proposed if developers gain approval for a rezoning request that's in the works.

Stephen Drenner, an entitlement lawyer with Winstead PC, said his client — a partnership of Post Investment Group of Los Angeles and Ascension Development of Dallas — submitted new plans to the city for the al-

most 1-acre site at South Lamar Boulevard and Riverside Drive. The new design contemplates 96 feet of height, or about 10 stories — nearly 50 percent above the current limit of 65 feet.

The location is one of the few waterfront parcels left in downtown.

"This was a difficult decision because a rezoning takes time and the outcome is uncertain," Drenner said. "But they decided it was a special enough site to do something else besides a 65-foot apartment complex."

Simply called 211 South Lamar, the location is prime real estate with its access to the Lady Bird Lake trail, the Pflugger pedestrian bridge, the new Zach Theatre and Whole Foods Market Inc.'s flagship store.



Drenner



The building featured in this rendering is proposed for the corner of South Lamar Boulevard and Riverside Drive across the street from the new Zach Theatre. The site now holds a Taco Cabana restaurant. To get the project going, it'll take a rezoning.

SUBMITTED RENDERING

The developers also hope to build condominiums to sell rather than apartments, which were planned as recently as last fall.

The *Austin Business Journal* broke the news in October 2012 that the site was earmarked for some form of residential development after years of languishing as a proposed hotel site.

Questions pending for rezoning

The rezoning application is in the hands of city staff, which has yet to make a recommendation to two environmental-related

boards, the Planning Commission and eventually the City Council.

"There's nothing substantial, in terms of the plans being problematic. Mostly, we just have questions about things that need clarification," said Lee Heckman, a case manager with city of Austin's Planning and Development Review Department.

Until those questions are answered, however, the rezoning application cannot move forward, Heckman said.

The developers are dangling some carrots at city staff and adjacent neighbors, who weren't enthusiastic about the original

apartment plans that were submitted.

For starters, the building configuration was a U-shape, which backed up to the Bridges on the Park condo development and blocked views. The new design flips the orientation such that there is a courtyard facing the existing condos with the mass of development more dominant along the streets — South Lamar Boulevard, Riverside Drive and Lee Barton Drive.

Should the rezoning prevail, the developers will incorporate about 10,000

SEE BUILD, P27

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BUILD: Neighbors, city planners scrutinizing new proposal for prime land downtown.

FROM PAGE 3

square feet of restaurant and retail space, designed to take advantage of the curbside views of the lake. Some of the space would be donated for community art purposes. Other community space would be dedicated to a bicycle-sharing program. There would be three levels of below-grade parking, none of which would be visible to passers-by.

The revised design also would preserve several stately trees along Riverside Drive, which would be removed if the rezoning is rejected, Drenner said.

If the rezoning fails, Drenner said the developer intends to move ahead with the original apartment plans without any retail and the public perks.

Drenner said the development team has been meeting with the Bridges on the Park homeowners association and members of the Zilker Neighborhood Association, and that they are optimistic about the outcome.

"I think it's fair to say with the majority of folks it's been well-received," Drenner said. Tracey Carroll, a spokeswoman for the Bridges on the Park, said there are still a lot of questions to be answered before that organization supports the rezoning.

"We support responsible development, but we still have a lot of concerns about things like height, view corridors, traffic



Few will argue that this acre on Lady Bird Lake just south of downtown isn't underused.

and whether it fits the character of Zilker Park and Town Lake," Carroll said. "This site is in the Waterfront Overlay District and we want to make sure that it provides the city with superior development."

Demand for condos observed

Whether the development will be for sale or for lease has not been determined, but

Drenner said the developers would prefer a for-sale product. Apartment developers, however, have a much easier time securing capital with access to financing backed by Fannie Mae and Freddie Mac. Condo development still is very much dependent on conventional lending sources, which have been much harder to access since the recession.

Nevertheless, two housing experts said for-sale product is direly needed in down-

town and South Austin. "It does make a lot of sense. There's definitely a market if they can get it done," said Charles Helmsath, president of Capital Market Research, which tracks the condo market.



Helmsath

Prices per square foot likely have never been higher than they were last year, with the average price of a condo in the Central Business District approaching \$700 per square foot, Helmsath said.

Mark Sprague, state director of information capital at Independence Title, said inventory across all classes and locations is in short supply — and especially in downtown and South Austin.



Sprague

The 78701 ZIP code, which encompasses downtown, had 212 sales in the 12 months, Sprague said. The average time on the market was 51 days. Given that there are only about 100 new condos left for sale in the 78701 and 78704 South Austin ZIP codes, Sprague said, it's time for condo developers to reemerge.

"Like everything currently in Austin, there is not enough inventory and a lot of demand," he said.

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FOLLOW-UP ITEMS FROM 1/17/13 BOTP MEETING

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1. Please confirm the proposed total number of units as well as the approximate number and square footage of the 1, 2, and 3 bedroom units. (Rhode)

These numbers are an approximation based upon the current configuration: 116 one bedroom units, at an average size of 775 s.f.; 46 two bedroom units, at an average size of 1250 s.f.; and 8 three bedroom units, at an average size of 1600 s.f.

2. Please confirm the proposed total number of parking spaces and the breakdown with regard to spaces for Paggi House, retail, guests, and owners/residents. (Rhode)

These numbers are an approximation based upon the current configuration: 305 total parking spaces, 238 provided for residents (behind the gate), and 67 provided for Paggi, retail and guests (not gated). These non-gated spaces will vary based upon time/day, serving retail during regular business hours and guests during other hours.

3. What are the setbacks on South Lamar, Riverside Drive, and Lee Barton Drive? On the South Lamar Drive, will the new building be flush with our existing building or will it be closer to the road? On Riverside Drive, how does the setback compare with the existing sidewalk where the proposed plaza will be as well as on the portion leading to corner with Lee Barton Drive? How do the proposed setbacks compare with what is required in code? For example, we know that the plaza area on Riverside will be more than what is required but we don't have the information along the remaining perimeter. (Rhode/Bury)

We are in the process of preparing exhibits on this.

4. Please provide information on the proximity of the proposed building to BOTP on the north face of BOTP. In particular, we are interested in how close the proposed building will be to the hallway window on the north side (i.e., the concerns that we expressed regarding lack of natural light and facing a solid wall). (Rhode)

See (3) above.

5. On a related note, what are the requirements for utility easements? And how would this affect the proximity of the two buildings (i.e., Are we required to have X number of feet on both sides of the property line?). (Bury)

We are not aware of any utility easement existing on the 211 South Lamar tracts that would impact the placement of structures.

6. Please provide perspectives from different elevations for BOTP owners. Please let us know when you will be able to visit our building, and we will ensure access to 3-4 units. At a minimum, it would be

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useful for the owners to have perspectives from at least one east-facing unit, north-facing unit, and west-facing unit. (Winstead/Rhode)

Photos were taken by Winstead on Friday, February 8th from units 308 (east facing), 405 (north facing), 609 (east facing), and 610 (west facing) as well as from several of the north-facing hallway windows. BOTP is awaiting renderings based on these photos.

7. With regard to sidewalks on Lee Barton Drive, we discussed placement and potentially prohibiting parallel parking on one side of the road as well as adding meters. Would it be possible for you to schedule the meeting with City staff to discuss these items? (Winstead)

Amanda Swor to coordinate, as well as Leslie Pollack with HDR (transportation/traffic consultants); in process.

8. We also discussed the need to determine what type of privacy barrier would be needed by the proposed building's pool area. Would it be possible for your architect to give us some options to consider? (Rhode)

Architect is preparing renderings of privacy barriers.

9. You noted the inclusion of several conditions as notes in the PUD, and we very briefly discussed the possibility of a private restrictive covenant. Below, I've listed potential items that we would likely want included in the PUD notes and/or covenant. I'm assuming that the notes will require much more detail but wanted to get a better sense of what can/cannot be included. Would you review the items with the developer to determine which items are palatable? Also, I would appreciate it if you could refer me to an example of what PUD notes look like. It will give me a better idea of what to request from owners. (Winstead)

Potential PUD notes/conditions for private restrictive covenant:

- Proposed "U"-shaped design with 96 ft building (prohibit the reverse "U" where BOTP is blocked)
- Use of condo-grade materials
- Filing condo regime
- Maintain existing buffer with Paggi House
- Prohibit blockage of singular hallway window on the north face of BOTP
- Minimum setbacks on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
- Sidewalks and other safety improvements on Lee Barton Drive
- Privacy barrier (Winstead)

PUD notes are being developed as discussions continue with regard to project.

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10. Clarify the property lines and potential building placement along the northern BOTP/southern TC boundaries, as well as any utility or access easements. (Rhode/Bury)

We are in the process of preparing exhibits on this.

11. Inquire as to a ROFR of BOTP owners to purchase units in 211 South Lamar Project. (Winstead/Cureton)

Owner is open to continued discussion on this item.

12. Clarify status of out-buildings on the Paggi House site, as well as 'temporary' improvements (not part of zoning case, but of concern). (Winstead)

A portion of the tract containing the Paggi House was zoned historic by the City of Austin on November 21, 1974 (Ord. No. 74-1121H). The owner proposes no change to an exterior architectural feature of any historic structure on the Paggi site.

13. Address "run-off" or draining from 211 South Lamar structure/roof to ensure no draining to BOTP site. (Rhode/Bury)

The 211 South Lamar tracts are, on average, 6 feet lower in elevation than the BOTP site. All "run-off" or drainage from the 211 South Lamar project is required to be captured on-site.

14. Clarify the type of pedestrian cross walk improvements contemplated for crossing of Riverside at Lee Barton. (Winstead)

The owner has proposed enhancements to the existing pedestrian crosswalk of Riverside Drive at the eastern intersection with Lee Barton Road. All such improvements or enhancements must be approved and constructed by the City of Austin. Funding for the improvements or enhancements shall be provided by the owner.

Buy+Partners

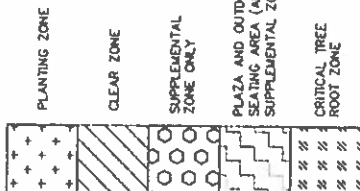
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Exhibit C - 45

SHEET	DRAWN BY: P-60	28 SOUTH LAMAR POST PAGE LLC	WATER QUALITY PUD EXHIBIT		Bury+Partners 97 West Ninth Street, Suite 200 Austin, Texas 78701 Tel: (512) 476-1411 Fax: (512) 476-1412 Email: info@bury.com Copyright © 2011 Bury+Partners, Inc. All Rights Reserved.
	CHECKED BY: JRS				
	INTERVIEW BY: JRS				
PROJECT NO.: 10003					

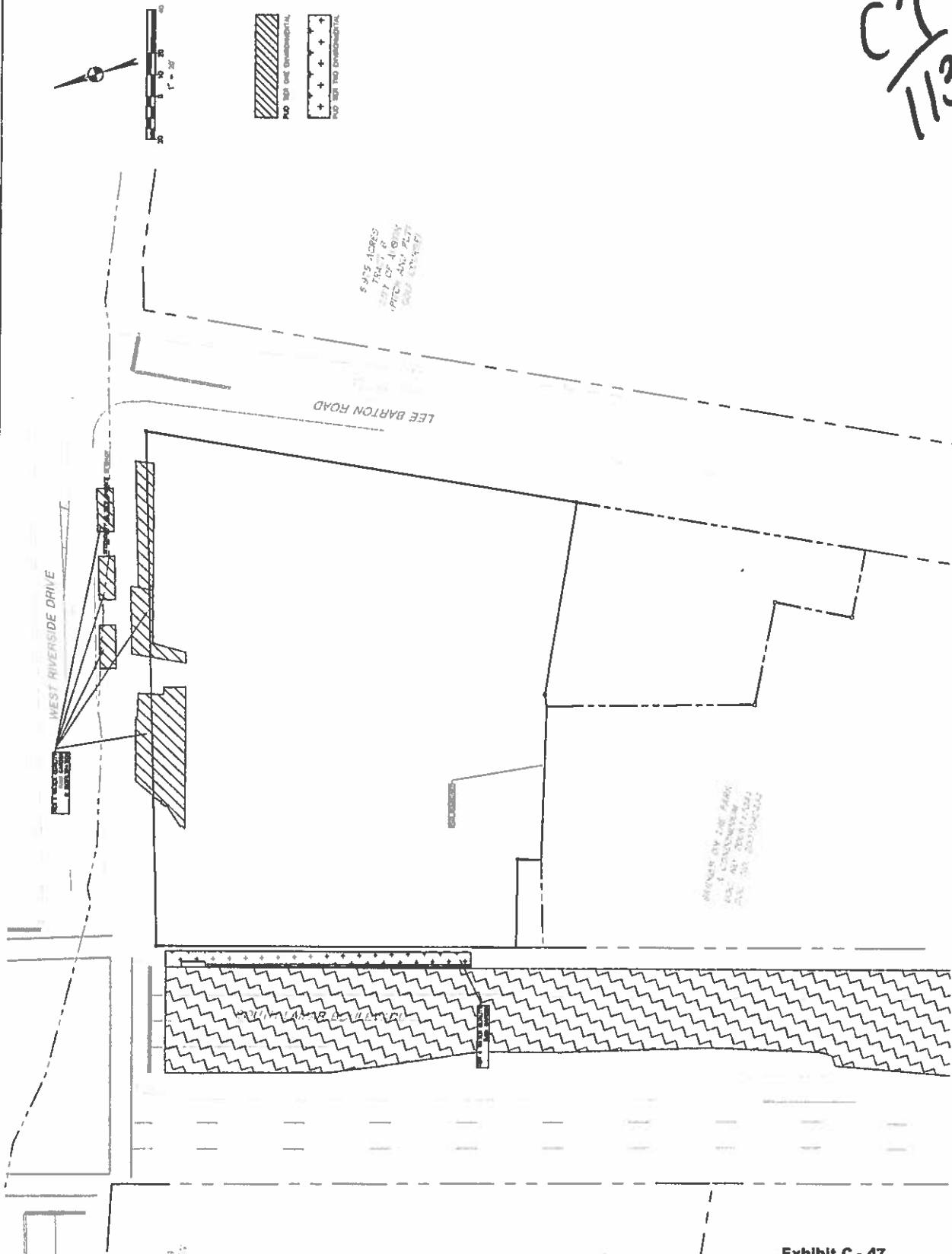


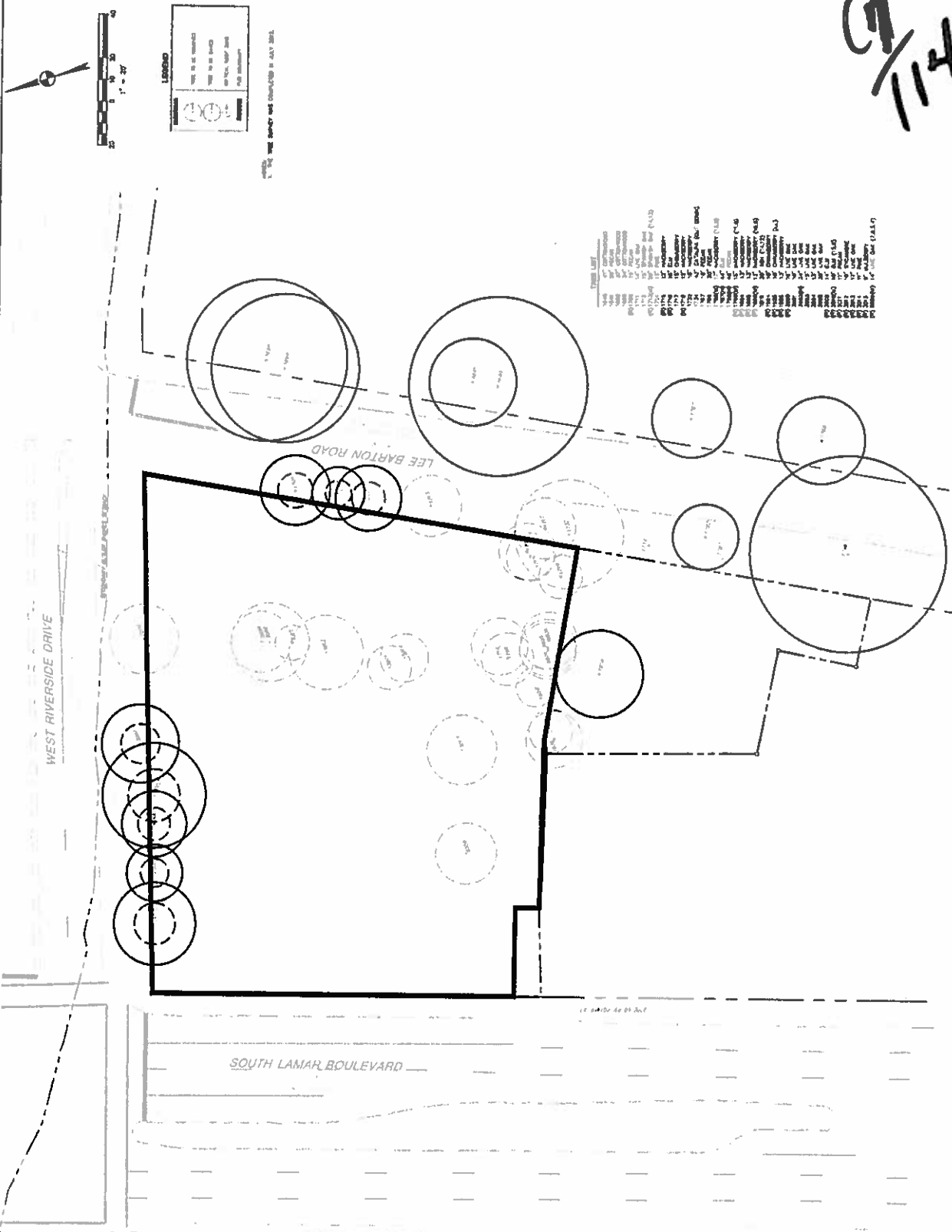
Exhibit C - 47

PROJECT NO.: 108791-10003
REVIEWED BY: JRS
DESIGNED BY: JRS
DRAWN BY: JRS

211 SOUTH LAMAR
POST PAGE, LLC

ENV. TREE
PUD EXHIBIT

Bury+Partners
801 West 10th Street, Suite 200
Fort Worth, Texas 76102
Tel: 817-339-1111
Fax: 817-339-1112
www.burypartners.com



511/2

PROJECT NO.	100791-10003
REVIEWED BY	JOS
DESIGNED BY	JOS
DRAWN BY	PSB

211 SOUTH LAMAR
POST PAGE, LLC

OFFSITE
PEDESTRIAN
IMPROVEMENTS

P Bury+Partners
ARCHITECTS
1000 10th Street, Suite 100
Austin, Texas 78701
Tel: 512.476.1000
www.burypartners.com

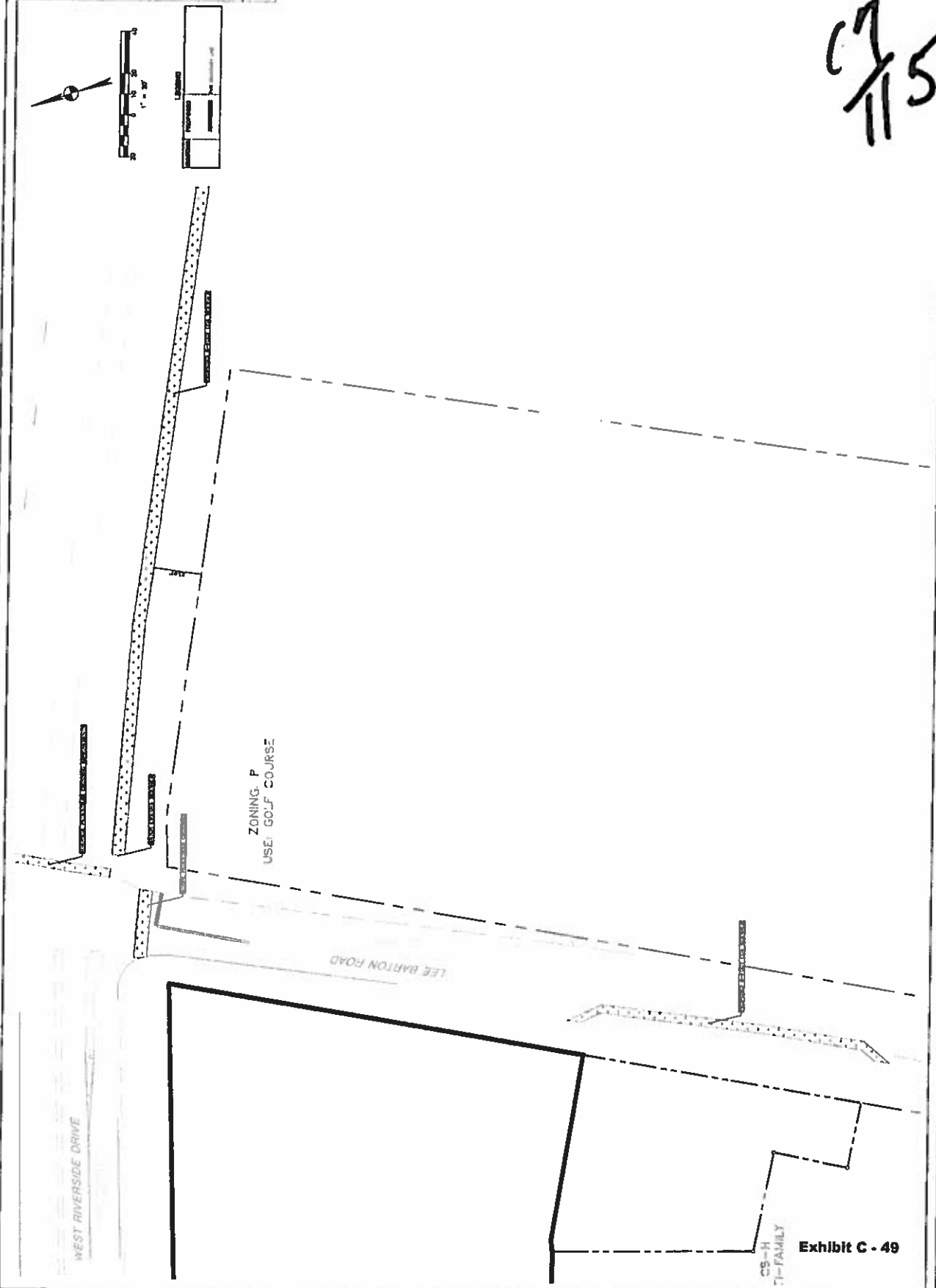


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From: Sushma Jasti Smith
Sent: Monday, March 04, 2013 6:30 AM
To: Heckman, Lee
Cc: Robert Wilson; Claudia Davila C.; Rusthoven, Jerry
Subject: letter from BOTP Board of Directors

Dear Mr. Heckman:

Please find attached a letter from the Bridges on the Park Association's Board of Directors, which is addressed to you and City staff. We have several questions and hope to receive answers quickly given the timeline for consideration of the 211 S. Lamar PUD application.

I have copied Robert and Claudia (the other Board members) on this message. I would appreciate it if you would reply to all of us.

Thank you, Sushma

Sushma Jasti Smith
210 Lee Barton Drive #609
Austin, TX 78704

bridges

on the park

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March 4, 2013

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mr. Heckman and City staff:

As owners of Bridges on the Park Condominiums (BOTP), we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. For your reference, the case number is C814-2012-0160. BOTP abuts the site directly to the south (our address is 210 Lee Barton Drive), and we are the only residents within a 200-foot radius of the proposed PUD.

Based on the Land Use Plan dated February 21, 2013 (enclosed), there are several items of note that we request your attention:

1. The site is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district. The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District. In addition, although not encumbered by the Capitol View Corridor Overlay, West Riverside Drive is a designated scenic roadway and subject to a Scenic Roadways Overlay. The developer is requesting a maximum height of 96 feet in the PUD, which is 36 feet higher than BOTP.

At this time, BOTP owners remain steadfastly opposed to a height variance exceeding the maximum 60 feet currently allowed under the CS-V designation. We believe that this site has unique characteristics, and as such, the developer should be required to honor existing zoning regulations. We ask that the City staff take into account the following factors:

- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.

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- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the ZACH Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
 - The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
 - PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
 - Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than what the City approved for the newly constructed Topfer Theatre at ZACH. If approved as requested, the proposed building would dwarf Topfer Theatre, thereby diminishing the City's considerable investment.*
2. Where is the base of the proposed building and how should we calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House? We understand from the developer that the PUD site is six feet lower *on average* than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. We ask that City staff explain how this will be calculated.
 3. The most recent plan shows that the proposed PUD has 0' setbacks on all four sides (Lamar Blvd., Riverside Drive, Lee Barton Drive, and Rear). It is our understanding that the minimum setback for CS and CS-V, which are the current zoning designations for the site, is 10 feet. If the existing height maximum of 60 feet is kept in place, then we ask that the minimum setback of 10 feet be required on all four sides of the proposed development. However, if the requested height variance of 96 feet (or any height greater than 60 feet) is granted to the developer, then we ask for a corresponding increase in the minimum setback. For example, if the developer is granted a maximum height of 96 feet, we ask for a minimum setback of 20 feet on all four sides. If the developer is granted a maximum height of 75 feet, then we ask for a minimum setback of 15 feet.
 4. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives and Council Members. However, every

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schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.

5. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. We ask the City staff to consider prohibiting parallel parking on the western side of Lee Barton Drive and to put in place metered parking on the eastern side, which abuts the Butler Pitch and Putt.

In addition, the developer proposes to add a sidewalk on the portion of Riverside Drive that is adjacent to the northern edge of the Butler Pitch and Putt. It would appear that either the oleander bushes would have to be removed or additional road space would be needed to accommodate this sidewalk. Both of these options are not practical as there isn't sufficient road space and the oleander bushes serve as a natural barrier that protects pedestrians from wayward golf balls from the Butler Pitch and Putt. We ask that City staff maintain the status quo.

6. We ask that the following conditions be included as notes on the PUD:
 - Preserve maximum height of 60 feet as required by current base zoning designation
 - Require minimum setbacks of at least 10 feet on South Lamar Blvd., Riverside Dr., Lee Barton Dr., and Rear
 - Prohibit blockage of five north-facing hallway windows of BOTP
 - Include sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

We also have the following questions based on the City staff briefing to City Council on December 13, 2012:

1. The City staff report for the PUD stated that the maximum height for the site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?
2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered by the Waterfront Overlay Advisory Board, the Environmental Board, the Planning Commission, and City Council, we would appreciate your answers as soon as possible.

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For your convenience, here is our contact information:

- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President
Sushma Jasti Smith, Vice President
Claudia Davila, Secretary & Treasurer
Bridges on the Park Condominium Association, Inc.

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From: Yang, Edward (Research)
Sent: Wednesday, March 06, 2013 11:34 AM
To: Heckman, Lee
Cc: 'EHY'
Subject: C814-2012-0160, Public Hearing March 12, 2013 Planning Commission; March 28, 2013 City Council

Dear Mr. Heckman,
Michael Simmons-Smith has already registered me as an Interested Party for this case.

Please submit this as my written objection to the zoning change for the above case number, project location 211 S. Lamar Blvd & 1211 W. Riverside Dr. I believe that the change would negatively impact the character and quality of the neighborhood, as well as contribute to the already choked off congested traffic, parking, and related safety issues in what is meant to be a park-like green environment next to Lady Bird trail.

I am also very concerned about the recent report in the Austin Statesman that the developers will be granted an exception to build taller than the normal 60-foot limit. The developer's paltry gesture for a \$420,000 contribution to the city's affordable housing fund is grossly insufficient when this is the typical cost of just a single condo unit in the neighborhood. I am a business man and not opposed to responsible development, but it is distasteful and injurious to our community when developers can circumvent our rules and laws with a middling payoff. Thank you,

Sincerely,

Edward H. Yang (please accept this as my e-signature)

Oppenheimer
Managing Director
Chemicals Equity Research
512-314-2619

Address affected by this application:
210 Lee Barton Dr. Unit 215
Austin, TX 78704

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

R 3/6/2013

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

Alan Lampert

Your Name (please print)

300 S. Lamar #407

Your address(es) affected by this application

3.4.13

Signature

Date

Daytime Telephone: 512.550.9987

Comments:

1) PUD zoning provides a

blank check. This project is neither

large or complex.

2) Building height on that corner

should be no taller than

the "Bridges" Condo building

3) I would like to receive a

copy of the Staff recommendation.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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DAVE STEAKLEY
PRODUCING ARTISTIC DIRECTOR

ELISBETH CHALLENGER
MANAGING DIRECTOR

BOARD OF TRUSTEES
EXECUTIVE COMMITTEE

JOY SELAK, Ph.D.
PRESIDENT

BRUCE McCANN
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HITEN PATEL
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PATRICK O'DANIEL
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JOAN LAVA
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MINDY ELLMER
DEVELOPMENT COMMITTEE CHAIR

LAURA MERRITT
EDUCATION COMMITTEE CHAIR

JANET MITCHELL
MARKETING COMMITTEE CHAIR

BETTYE NOWLIN
AT-LARGE

MARCY MELANSON
AT-LARGE

KATHLEEN GUION
AT-LARGE

TRUSTEES

KATHY BOLNER
SUE BRELAND
BRYAN CADY
MARIANNE CARROLL
WAYNE CLARK
WILL COOMBS
BERRY CROWLEY
DERRICK EVANS
A. ROBERT FISCHER

JERRY GATLIN
ERIC GROTEN
RICHARD HARTGROVE

KATHY HUTTO
JOHANNE IBSEN-WOLFORD
DR. GERALD JACKNOW

MITCH JACOBSON
SCOTT JOSLOVE
DENNIS KARBACH

MIKE KENNEDY
SUSAN LUBIN

BRIAN MCCALL
MIKE O'KRENT
CANDACE PARTRIDGE

MIKE PETERSON

THE HONORABLE JIM PITTS

THE HONORABLE EDDIE RODRIGUEZ

CAROLYN SERRIF

DEANNA SERRA

DONNA SNYDER

MARY HERR TALLY

TOM TERKEL

MORT TOPFER

JIM WHORTON

City of Austin
Planning & Development Review Department

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: March 12, 2013 – Planning Commission
March 28, 2013 – City Council

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Dear Mr. Heckman,

This letter is to inform you that Zachary Scott Theatre Center (ZACH) objects to the rezoning request outlined in case number C814-2012-0160.

In 2008, ZACH was approved to build an 80 ft fly tower in the new Topfer Theatre. A copy of that particular ordinance is attached for your reference. In addition, at that time, ZACH agreed to support objections for requests of additional height buildings in the surrounding area, if asked to do so by the surrounding neighborhood associations.

As you can see from the ordinance, ZACH's right to height in excess of 60 ft was based on the unique requirements of a professional theatre building, which attributes do not apply to commercial or residential buildings. For that reason, the Topfer Theatre fly tower height is not an appropriate precedent to cite in support of additional height for nearby residential buildings.

Thank you for your time and consideration of this opposition.

Sincerely,

Elisbeth Challenger

Elisbeth Challenger

ZACH Managing Director

Exhibit C - 57

PHONE 512.476.0594 FAX 512.476.0314

OFFICES/MAIL 1510 TOOMEY ROAD, AUSTIN, TX 78704

THEATRE/BOX OFFICE 202 S. LAMAR, AUSTIN, TX 78704

ZACHTHEATRE.ORG

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ORDINANCE NO. 20080724-082

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PUBLIC PERFORMING ARTS THEATER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-531 (*Height Limit Exceptions*) is amended to add a new Subsection (G) to read:

(G) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (*Compatibility Standards*) The fly tower must be

- (1) located on land owned by the City of Austin, and
- (2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.

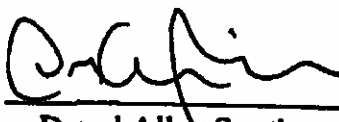
PART 2. The city council finds that public performing arts theaters of sufficient size to include a fly tower for moving set pieces, lights, microphones and other equipment on and off stage generally provide significant community benefits


PART 3. The city council directs the city manager not to consider the height of a fly tower granted a height exemption under Part 1 of this ordinance as a factor in any recommendation regarding height entitlements for structures in the surrounding area

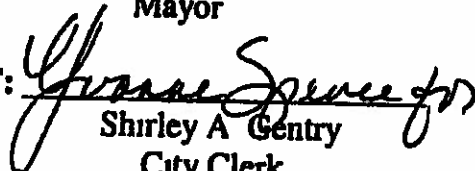
PART 4. This ordinance takes effect on August 4, 2008.

PASSED AND APPROVED

July 24, 2008

APPROVED: 
David Allan Smith
City Attorney

§
§
§ _____

Will Wynn
Mayor

ATTEST: 
Shirley A. Gentry
City Clerk

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

R 03/08/2013

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

Elisbeth Challenger

Your Name (please print)

510 Tamey Rd. Austin, TX 78704

Your address(es) affected by this application

Elisbeth Challenger

Signature

Daytime Telephone: 512-476-0544

Comments: See attached

3/7/13

Date

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

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Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

MONICA A. GREENWELL
Your Name (please print)

210 LEE HARTON DRIVE # 411 AUSTIN, TX 78708

Your address(es) affected by this application

[Signature]
Signature

3/10/2013
Date

Daytime Telephone: 512-584-3408

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Zilker Neighborhood Association

www.zilkerneighborhood.org ♦ zilkerna@austin.rr.com

1115 Kinney Ave. #42 ♦ Austin, TX 78704 ♦ 512-447-7681

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March 11, 2013

Waterfront Planning Advisory Board
City of Austin

At the February 25, 2013, meeting of the Zilker Neighborhood Association, the general membership voted once again, as they have numerous times since the 1980s, to support the Waterfront Overlay and to oppose the construction of a highrise on the banks of the Colorado River. The subject of this particular vote was the PUD proposal at 211 South Lamar. In general, ZNA objects to the creation of this PUD on this site because:

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar Bridge and the Pfluger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this site.
- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S. Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces.
- Finally, the objective of the PUD ordinance is to "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior even to nearby projects built before those standards were written into the Code.

The attached draft table addresses each of these points as they relate to the Tier I and II PUD requirements. As you will see, the PUD application seems to be a moving target, and our analysis has generated a great many questions. We hope that the board will postpone any decision on this PUD until these questions are answered and gaps in the information are filled.

Thank you for your service on this vitally important board.

Sincerely yours,

Lorraine Atherton
Newsletter editor, on behalf of the
ZNA Executive Committee

ZNA Officers, 2012-2013

Gardner Sumner, *President* ♦ Richard Gravois, *Vice President* ♦ Andy Elder, *Vice President*
Jacob Scheick, *Secretary* ♦ Merriman Smith, *Treasurer*
Tony Giustino, *ANC Delegate* ♦ Lorraine Atherton, *Newsletter Editor*

Exhibit C - 61

Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

Tier I Requirement	Applicant Note	ZNA Note
<p>1. Meet the objectives of the City Code.</p>	<p>The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the mouth of the Pflugger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be compatible with pedestrian and cyclist use. In addition, the project substantially complies with Subchapter E, supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves on-site trees, treats untreated, off-site stormwater, provides funding for off-site pedestrian improvements to be utilized by area residents and park users, creates a new public "storefront" for the Parks and Recreation Department and creates both a sustainable and architecturally interesting building, without any visible on-site parking from outside the project. The mixed-use project is designed to be compatible with private and public surrounding land uses.</p>	<ul style="list-style-type: none"> The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar Bridge and the Pflugger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent. Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces. Finally, the objective of the PUD ordinance is to "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior even to nearby projects built before those standards were written into the Code.
<p>2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.</p>	<p>The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Drive that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features, and such water quality treatment extends to the capture and treatment of untreated off-site stormwater.</p> <ul style="list-style-type: none"> The project will create high quality development by utilizing innovative design and high quality construction. The building will be a concrete and steel structure instead of wood framing that is typically 	<ul style="list-style-type: none"> Under existing standards, the trees along Riverside and Lee Barton would not be lost. Current developments on South Lamar design their projects, from the beginning, around the existing trees. They come to ZNA with a tree plan showing the major trees that the building will be designed around and estimates of the number and size of trees that will have to be replaced and where they are likely to be located. The WO provides bonus density and/or height for preserving trees. These can, and should be preserved under existing zoning—there is nothing that would prevent this; in fact, it is enabled and incented under the WO. Ditto for green building standards, including actual rain gardens (which don't seem to be working very well where they have already been installed), native plants, rainwater harvesting, and innovative stormwater systems. We are exceedingly underwhelmed by the offer of "educational signage" in this regard.

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<p>used for apartment buildings in this area. The building will contain three levels of below grade parking, together with at-grade parking to support the retail areas that are sheltered from view by those retail areas, eliminating the visual presence of a parking garage from all sides of the building. The architectural design utilizes a multifaceted concept that steps down in height from west to east. The building steps back from Riverside Drive creating an extension of the pedestrian friendly green space of the hike and bike trail across Riverside Drive into a landscaped pedestrian-oriented plaza open to the public at all times. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott Theater as a gateway to the area south of Lady Bird Lake.</p> <ul style="list-style-type: none"> Given the location of the project, adequate public facilities and services are generally found in the area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department for utilization as a "storefront". The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The retail and restaurant space will function harmoniously with the Zach Scott Theater, and will allow for a northward continuation of a retail presence from the current retail space located on the ground floor of the Bridges mixed-use project on the sites southern boundary to the intersection of Riverside Drive and South Lamar Boulevard, and then in an easterly direction along Riverside Drive to Lee Barton Drive. 	<ul style="list-style-type: none"> Steel structure is required of buildings over 75 feet in height. This is not an option. It also increases construction costs enormously, reducing the affordability and economic viability of the building. Structurally shielded ground level parking is required by the WO. It is not an option. The "innovative design" description, especially the hidden parking garage, sounds very much like what ZNA was promised during the rezoning case for the Post project at 1500 S. Lamar, about 10 years ago, before the current commercial design standards or VMU took effect. That project was completed a few weeks ago. Post can and should meet the same design standards within the WO. The Waterfront Overlay sets design standards that must be followed by any project in the overlay. The "storefront" is required by the WO at 60% partially see-through glass--so the facade on commercial first floor is a requirement, not an option. By this design, (as described by the Austin Business Journal) the open space is enclosed by the building, and therefore is not accessible to the public. Much of the existing ground level open green space will be replaced by the building footprint. This will significantly reduce the pervious cover for natural ground-level water filtration. The rain gardens are not clearly defined, nor how they will be properly maintained for maximum effectiveness. "Front door" to the park: To be precise, this site is across the street from the Pfluger Bridge. To reach this "front door," walkers and cyclists leaving the trail area must navigate the intersection with the highest traffic counts (> 50,000) of any arterial in the entire city, an arterial to which this project proposes to add about 250 cars, not including the commercial parking. From what we have seen so far, every car associated with this project will come into conflict with walkers and cyclists trying to use the park and trail system. A 96-foot high visual barrier will not help. The PUD proposes no solution to the fundamental problems at this intersection. Are they really suggesting that reducing the height of the east side of the building (to a level that is still 10 feet above the maximum) will extend the pedestrian-friendly parkland and trail across five lanes of traffic and through the building to an interior plaza? Really? Or is "landscaped pedestrian-oriented plaza" a reference to the Zachary Scott entrance, and the proposal is describing a visual link between the theater plaza, the theater's widely despised 75-foot fly tower, and the PUD's 75-foot wall of condos on Lee Barton. Really? What does "distinct corner" mean? The sidewalk improvements required under the existing VMU and commercial
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Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

<p>3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that: a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided.</p>	<p>▪ The proposed off-site improvements include additional sidewalks along Lee Barton Drive and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland.</p> <p>▪ This project will include City of Austin bike share facilities in the public plaza area, as well as enhanced bike parking for retail users of the Project.</p> <p>▪ See additional notes referenced in this chart for other terms described herein.</p>	<p>design standards will accomplish that. What we need at this corner is a plan for reducing conflicts between pedestrians trying to cross S. Lamar, cars trying to use the Lamar Bridge, cars entering and exiting the parking garages in this block, and buses that need to pick up and drop off pedestrians who are unable to cross the street to get to the bus stops.</p> <ul style="list-style-type: none"> Public facilities and services are not adequate to serve the exploding population in this area. Sidewalk and crosswalk connections, bus service, and traffic management are miserable (see item above). This is across the street from Restaurant Row. It does not need more restaurants (although a proposal to expand the historic Paggi House to Riverside, with a Zilker-style Tavern on the Green, would be welcome). The retail space is already required under the existing zoning and VMU overlay, and the PUD offers nothing better. Other developers have offered money to the parks department in return for increased entitlements (most recently the Pico PUD on Barton Springs Road), and the offers have always been rejected as illegal under state law. How is this rent-free deal different? Likewise, off-site improvements like sidewalks have been rejected for other projects. Private developers can build them but they must be reimbursed. How is this different? Bike parking provisions in the Code are currently being revised. Does this PUD meet or exceed the proposed changes to the Code? <u>The vibrant public plaza needs to be more clearly defined, including the public access, size, location, security, seating, allowed public uses, and restroom facilities.</u>
<p>The PUD is required to provide 5,164 square feet of open space to meet the Tier I PUD requirement of 10% of residential space and 20% of nonresidential space. The PUD will provide a minimum of 14,000 square feet of open space.</p>		<p><u>Much of the existing ground level open green space will be replaced by the building footprint. This will significantly reduce the pervious cover for natural ground-level water filtration. The rain gardens are not clearly defined and how they will be properly maintained for maximum effectiveness.</u></p> <p>Where is this open space? According to the Tier II 1 description, 12,000 square feet of the "open space" is private and above the ground floor (in private balconies, for instance). The proposed 3000 square feet does not meet the requirement for ground-floor public space (at least 70% of the requirement must be on the ground floor).</p> <p>a. Zach Scott provided a detention-filtration area in connection with the new theater; Post could provide something similar on the non-VMU parcel to enhance the green space surrounding the Paggi House.</p> <p>b. This project is not subject to the parkland dedication fee. Other</p>

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Notes on Post PUD Application, March 9, 2013

		<p>projects are paying huge parkland fees and also providing substantial open space onsite under VMU and commercial design standards. This PUD does not meet current standards for South Lamar projects.</p> <p><u>The public needs to know specifically how the project will comply with the City's Green Building Program at a 3-Star Level.</u></p> <p>This is standard practice on S. Lamar (see item 2)</p>
4. Comply with the City's Planned Unit Development Green Building Program.	<p>The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building Program at a 2-Star Level).</p> <ul style="list-style-type: none"> The project is in compliance with all aspects of the Waterfront Overlay other than height, and the project does not exceed the Butler Shores Subdistrict maximum height limit. The design of the project respects the historic Paggi House on its southern border, the adjacent Bridges project on its southern border, and the parkland across Lee Barton Drive to the east of the project, by having the "U" opening towards the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project's parking garage. The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. The uses and design of the project are compatible with the Zach Scott Theatre located across South Lamar Boulevard by providing a significant stepback from Riverside Drive (thereby preserving a view corridor to Lady Bird Lake from the outdoor patio on the second floor of the Zach Scott Theatre) and by providing retail and restaurant uses that will be utilized by patrons of the Zach Scott Theatre. The owner will provide water quality controls superior to those otherwise required by Code through the use of rain 	<p>Where are the specific details for the rain gardens and rooftop rainwater collection design?</p> <p><u>Eight existing trees will be removed according to the plans, and.</u></p>
5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	<ul style="list-style-type: none"> The PUD is not consistent with the ZNA VMU plan. <u>The location is a unique corridor view that cannot be replaced. No other south entrance into Downtown has this view of Town Lake.</u> The max height in the Butler Shores subdistrict is 60 feet. The PUD does not respect the historic Paggi House or previous agreements with the adjacent Bridges project. ZNA does not have access to the agreements regarding protection of the Paggi House, but during construction of the Bridges, there was great concern about damage caused by excavation. The PUD proposes to cut off the Paggi House from Riverside and the river. The "view corridor" from the second floor of Zach Scott is blocked by the existing 60-foot Bridges building. The height of the PUD building on Riverside will not change that. The PUD does not make it possible for theater patrons to cross South Lamar. Staff note 21 suggests that the PUD has requested Alternative Equivalent Compliance for subchapter E Design Standards and Mixed Use. Based on what ZNA has seen, the alternatives are not equivalent to the standards enforced at other VMU projects on South Lamar. 	
6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical		

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Notes on Post PUD Application, March 9, 2013

environmental features, soils, waterways, topography and the natural and traditional character of the land.	gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater collection design exceed the Code requirements (via capturing and treating off-site stormwater) and utilize the designs that meet "best practices". • The project will also preserve several trees onsite via additional setbacks that would not be saved with a project developed under the standard Code regulations.	<u>there will be less space available for green space on the ground floor.</u> None of these appear to be superior to current projects on S. Lamar (see item 2). The PUD is not providing "additional" setbacks. The PUD is requesting zero setbacks and then offering to restore the required setbacks in limited areas.
7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	<ul style="list-style-type: none"> Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project. The project will provide 1,000 square feet of usable retail space within the project for use by the City of Austin Parks and Recreation Department to serve as a "public store-front" for their special events office or other retail uses as determined by the Department. 	<p>Traffic backed up on the Lamar Bridge is a significant public safety and emergency response problem at this site. The PUD does not address its contribution to that problem. See also item 2. <u>Where in the project will this space be provided? The first floor would be most accessible to the public.</u> <u>Free public parking should be provided in the on-site parking garage on the first floor.</u></p>
8. Exceed the minimum landscaping requirements of the City Code.	<p>The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program. • 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide (Note: 90% is required under base regulations); • 100% of the all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens or through the use of rainwater harvesting (or a combination of both) [Note: 50% of all required landscaping is required to be irrigated in this manner - or be drought resistant species - under the base regulations.]; and • An Integrated Pest Management program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site (Note: this is not a requirement under the base regulations).</p>	<p><u>It's important to remember that ground-level green space will be reduced by the project.</u></p> <p><u>The public needs to know the specific details for the size and location of rain gardens and rain harvesting equipment.</u> The streetscape dimensions, trees, and other plantings appear to be reduced from those provided in other site plans that ZNA has reviewed for South Lamar projects. The choice of species and irrigation are trivial compared with the overall reduction in landscape and open space.</p>
9. Provide for appropriate transportation and mass	<ul style="list-style-type: none"> The project will be located along the City's 	<ul style="list-style-type: none"> The bus stop locations must be confirmed with Capital

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Notes on Post PUD Application, March 9, 2013

<p>transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.</p>	<p>new bus rapid transit route, and within easy walking distance of bus stops for that new route as well as normal bus service (Note: two existing Cap Metro bus routes are on the same block as the project). Additionally, the most recent proposed new rail routes in the area show a rail route extending along Barton Springs Road and within easy walking distance of the project.</p> <ul style="list-style-type: none"> • The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include funding for a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast corner of Lee Barton Drive and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton Drive (crossing Lee Barton Drive at Riverside Drive). • Two charging stations for electric vehicles will be provided in the parking garage. 	<p>Metro. ZNA's information is that the rapid transit buses will have only 3 stops in the 5 miles from Riverside to Ben White, and a stop is not planned north of Barton Springs Road. The rapid transit buses are scheduled to replace the #3 bus route, so there will likely be only one route stopping north of Barton Springs Road, the 338, which does not go downtown or to UT. This PUD must include a plan to provide transit service appropriate to the increased density.</p> <ul style="list-style-type: none"> • The suggestion that a rail line might be added to Barton Springs Road is ludicrous. The most recent rail proposals do not include lines south of the river. • The proposed pedestrian improvements do not address the need for a traffic light and pedestrian crossing at Toomey and the difficulty of crossing South Lamar to reach bus stops. • Lee Barton should be reconfigured to handle parking garage traffic. Staff note 7 mentions that egress will not be permitted on South Lamar. The PUD does not address the issue of conflicts at parking garage driveways on either S. Lamar or Lee Barton. • <u>The public should be allowed to use the electric car charging parking spaces.</u>
<p>10. Prohibit gates roadways</p>	<p>No gated roadways will be permitted within the PUD (Note: The parking areas within the project to be utilized by residents may be gated.)</p>	
<p>11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.</p>	<ul style="list-style-type: none"> • The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course. • The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently provided. If the Paggi 	<p>The building design increases the building mass on Riverside Drive and Lee Barton beyond the WO height limit and blocks much of the unique Lady Bird Lake waterfront view from the Paggi House.</p> <p>See also item 5.</p>

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Notes on Post PUD Application, March 9, 2013

	House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels. • The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property.	
12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	The property is characterized by special circumstances. The PUD is surrounded by public roadways on three sides (including two Core Transit Corridor roadways) and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only viable way to achieve the additional desired height, together with the adjacent setbacks from those roadways, is through the PUD process.	<ul style="list-style-type: none"> There are probably thousands of commercial properties of similar size in the city with public roadways on three sides. The Waterfront Overlay places no restrictions on the proposed land uses. Therefore there are no special conditions on the site other than the applicant's desire to exploit its location adjacent to Auditorium Shores and Lady Bird Lake to gain additional height, density, and market value. In 1986 the citizens of Austin codified the Waterfront Overlay to deal with the special circumstances of waterfront properties, specifically to prevent the construction of tall buildings too close to the riverbank. The special circumstances claimed here are addressed in the Waterfront Overlay. The maximum height allowed in this subdistrict of the WO is 60 feet. That is not a special circumstance confined to this property. A desire to bypass city code is not a legitimate reason to pursue a PUD.

Tier I - Additional PUD Requirements for a mixed use development		
1. Comply with Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	Applicant Note	ZNA Note
	The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance. Note: Generally, the need to request alternative equivalent compliance is to allow the unique design of the project, including the enhanced public plaza area.	Based on what ZNA has seen, the alternatives are not equivalent to the standards enforced at other VMU projects on South Lamar. The streetscape and public plaza dimensions, public access, trees, and open space appear to be much reduced from those provided in other site plans that ZNA has reviewed for South Lamar projects.
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (Design Standards and Mixed Use), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (Core Transit Corridor Sidewalk and Building Placement).	As required by Chapter 25-2, Subchapter E, the project complies with Core Transit Corridor requirements.	Same as above.
3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.	The project contains pedestrian-oriented uses on all three street frontage sides totaling 75% of the cumulative frontage of those sides (excluding driveway openings	

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Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

	and other project facilities not typically included in "frontage" calculations).	
Tier II - PUD Requirements		
<p>1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.</p>	<p>Applicant Note</p> <p>The Gross Site Area for the project is 40,641 square feet with a maximum 11,000 square feet of nonresidential space. By providing open space equal to 10% of the 29,641 square feet of residential space and 20% open space for the 11,000 square feet of commercial space, the total required amount of open space to meet the Tier I requirement is 5,164 square feet and the total required amount of open space to meet the Tier II requirement is 5,681 square feet. The PUD is providing a minimum of 14,000 square feet of open space (3,000 square feet public and 11,000 square feet private).</p>	<p>ZNA Note</p> <p><u>The plan needs to provide the number of square feet of rain garden, rain water collection areas, vegetative filter strips, and bio-filtration.</u></p> <p>At least 70% of this open space requirement must be public space on the ground floor. In this case that would be 3,977 square feet. The PUD is providing only 3,000 square feet of public space, and much of that appears to be located in public right-of-way.</p>
<p>2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may</p>	<p>This PUD will not request any exceptions or modifications of environmental regulations.</p> <p>The project will provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart "d" through the use of rain gardens and bio-filtration areas.</p> <p>The project prohibits uses that may contribute to air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations.</p>	<p>e. What is the difference in impervious cover? It appears to be a net increase.</p> <p>f. What are the setbacks from the adjacent waterways?</p> <p>g. Does the PUD meet the Code's minimum waterway and critical environmental feature setbacks?</p> <p>j. Under VMU, WO, and state regulations, service stations are not allowed on the site. Existing businesses may be grandfathered, but new uses would not be allowed. We do not need a PUD here to prevent its use as a gas station.</p>

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Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

contribute to air or water quality pollutants. k. Employ other creative or innovative measures.			
3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.	The project will meet the Austin Green Builder program at a 3-star level.		
4. Art – Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	The project will provide art approved by the Art In Public Places Program on-site.		
5. Great Streets–Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (Design Standards and Mixed Use).		Drenner indicated that the PUD is not subject to VMU standards either. Does subchapter E differ from VMU standards?
6. Community Amenities –Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	<ul style="list-style-type: none"> The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on a reservation basis, and subject to reasonable rules and regulations. 	<ul style="list-style-type: none"> The space should be on the first floor and free public parking should be provided in the on-site parking lot. Is this in addition to meeting and office space used by the condo association? Several public and private buildings in the area already provide this service, including the Twin Oaks Library, Austin Elks Club, Mary Lee Foundation, and numerous restaurants--none of which asked for or received any additional zoning entitlements. Also this offer was already used as a ploy to gain PUD entitlements at the nearby 801 Barton Springs Road. So it seems there's no shortage of public meeting space in the area. 	
7. Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multimodal transportation features not required by code.	<ul style="list-style-type: none"> The project will provide bicycle parking for retail patrons, as well as its residents, at above-Code levels. Additionally, the PUD will allow for the placement of a public "bike share kiosk" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area or in the planting or supplemental zone of adjacent streets. The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. The project will provide funding for off-site pedestrian improvements along Lee Barton Drive and Riverside Drive (including sidewalks and a crosswalk) to increase the walking connectivity in the general area of the site. 	<ul style="list-style-type: none"> Bike parking provisions in the Code are currently being revised. Does this PUD meet or exceed the proposed changes to the Code? See Tier I items 2 and 9. <u>Free public showers for bicyclists should be provided.</u> 	
8. Building Design – Exceed the minimum points required by the Building Design Options of Section	The project is required to have 1 point (Required Base Point) as listed on the City		In the PUD notes, 5 of the 8 design options appeared to be design elements already required (not optional) under VMU and the city's

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Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

3.3.2 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	of Austin Building Design Calculation Worksheet. The project will obtain a minimum of 13 points by providing a variety of design options.	commercial design standards. We need to know more about the "distinct" roof and the "sustainable" roof.
9. Parking Structure Frontage –In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (Waterfront Overlay District Uses) in ground floor spaces.	<ul style="list-style-type: none"> There is no above grade structured parking and no parking for the project that is visible to the public. The cumulative amount of pedestrian-oriented uses along the total street frontages of the project (excluding areas not typically included as "frontage" in such calculations) shall exceed 75%. 	
10. Affordable Housing –Provides for affordable housing or participation in programs to achieve affordable housing.	<p>The project will participate in the affordable housing options pursuant to the PUD ordinance. Note: for these purposes, the applicant has assumed, and this PUD is expressly subject to, the interpretation of the PUD ordinance that all affordable housing options will be calculated on the delta between the FAR that the applicant proposes to need for the project and the FAR that could be achieved pursuant to existing zoning and existing applicable site development regulations, including section 25-2-714 of the Land Development Code (Additional Floor Area). Such participation will be provided by either providing on-site units or by paying a fee-in-lieu (calculated consistent with the assumptions above).</p>	<p>Post is proposing to cheat Austin and Zilker out of the 10% at 60% affordability standard required under the VMU overlay. Allowing this project to calculate the affordable units on the delta, in stark violation of the code, will result in a substantially reduced contribution to affordability. The developer of a smaller condo project a couple of blocks to the west committed to provide \$500,000 toward affordable housing in the Zilker Neighborhood in 2007, in an effort to meet VMU standards before the VMU ordinance took effect. The comparable contribution from the Post PUD, based on square feet, would be about \$1.5 million, but Post appears to be trying to get away with \$400,000 or less.</p>
11. Historic Preservation –Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	<ul style="list-style-type: none"> The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course. The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking 	<p>See Tier I items 5 and 11.</p>

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Zilker Neighborhood Association
Notes on Post PUD Application, March 9, 2013

	spaces currently provided. If the Paggi House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels. • The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property.	
12. Accessibility – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	The project will provide 2.5% of the units to be available for persons with disabilities. Note: This represents a 25% increase above code requirements. Additionally, the applicant shall be required to move the elevator presently serving persons with disabilities who desire access to the adjacent Paggi House to a new, more accessible location.	See item 10 on affordability.
13. Local Small Business –Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	The proposed PUD provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Is the Paggi House eligible for this rent reduction?

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

R 3/18/2013

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission
Mar 28, 2013, City Council

ERNEST AUERBACH

Your Name (please print)

AUSTIN

210 Lee Barton Dr #204 78701

Your address(es) affected by this application

☐ I am in favor
☒ I object

13 March 2013

Signature

Date

Daytime Telephone: 917 545 8186

Comments: The request for change is

inconsistent with the approved

height of 60'. Greater height + density

will diminish value at 510 Lee Barton Dr

increase traffic + be inconsistent

with higher building along

Town Lake. 2nd Trailer sign will

be removed.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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03/19/13

Exhibit C - 14

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

Sandra & Patrick Jain

Your Name (please print)

210 Lee Barton #602 ATX

Your address (street) affected by this application

3/15/13

Date

Signature

Daytime Telephone: 979-417-3402

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0160

Contact: Lee Heckman, 512-974-7604

Public Hearing: Mar 12, 2013, Planning Commission

Mar 28, 2013, City Council

MONICA A GREENWELL

Your Name (please print)

210 LEE BARTON DRIVE #411 AUSTIN, TX 78704

Your address(es) affected by this application

3/10/2013

Date

[Signature]

Signature

512-584-3408

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

211 East 7th Street, Suite B18
Austin, TX 78701
512.469.1766

www.downtownaustin.com
www.downtownaustintv.org

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DOWNTOWN AUSTIN ALLIANCE

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Linda Watson
Capital Metro

Daniel Woodroffe
dwg.

Charles Betts
Executive Director

March 25, 2013

Mr. Steve Drenner
Winstead PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701

Mr. Drenner,

At its March 19, 2013 meeting, the Downtown Austin Alliance Board of Directors voted to support a PUD that would allow 96 feet in height for 211 South Lamar.

Sincerely,

Larry Graham
Larry Graham, Chair

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THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

JAMES E. COUSAR
DIRECT DIAL: (512) 469-6112
EMAIL: James.Cousar@tklaw.com

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98 SAN JACINTO BOULEVARD
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PARIS

April 5, 2013

Mr. Steve Drenner
Winstead PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701

Re: Post-Paggi PUD Application

Dear Mr. Drenner:

This law firm represents Bridges On the Park Condominium Association, Inc. (BOTP), which is made up of the residents of the property immediately to the South of the proposed Post-Paggi PUD ("the PUD"). The developers of the PUD, whom you represent, are seeking a zoning change, and are currently scheduled to present their application to the Waterfront Planning Advisory Board (WPAB) and the Planning Commission during the week of April 8.

After reviewing the PUD application and certain conceptual drawings made available by the applicant, BOTP is prepared to withdraw its opposition to the PUD if the applicant will agree to the following terms and conditions:

1. All structures within the PUD will have a height limit no greater than the height of the Zachary Scott Theater curtain wall structure, as built, or 75 feet, whichever is lower.
2. The PUD will maintain current zoning setbacks of a minimum of ten feet along South Lamar Blvd. and Lee Barton Dr., with sidewalk continuity to the existing sidewalks of BOTP along those streets. On Lee Barton Dr., the sidewalk will begin at the southern boundary of the Paggi House property (owned by the applicant) and extend to the corner of Lee Barton Dr. and West Riverside.
3. For purposes of light, exhaust circulation, and emergency access, the south edge of the PUD structure will maintain a minimum ten foot setback opposite the existing north wall of the unit of BOTP that faces the PUD property. The south facing wall of the PUD structure opposite BOTP will be constructed

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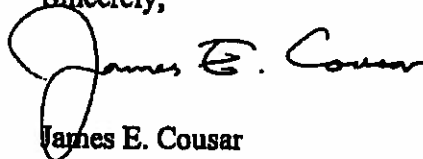
with a light reflective surface to be approved by BOTP, such approval not to be unreasonably withheld.

4. The Paggi House grease trap equipment that currently is in the public right-of-way will be removed, and no other private obstruction of the public right-of-way will be permitted adjacent to the Paggi House property.
5. The owners of the PUD will agree to support a request to the City of Austin to eliminate parallel parking on the west side of Lee Barton Dr. (except short term commercial vehicle access) and to prohibit U-turns of southbound traffic on South Lamar Blvd. opposite the PUD and BOTP.
6. These provisions (other than 4 and 5) will be incorporated into the PUD ordinance and all will be incorporated into a private restrictive covenant to run with the land and to be enforceable by BOTP. The language of the covenant must be approved by BOTP, and the executed covenant will be held by counsel for BOTP until after Council approval of the PUD in a form no less restrictive than the current application, as modified by these terms, and it will be recorded only after such Council approval. If Council denies a zoning change, the executed restrictive covenant will be returned to applicant's counsel.

A copy of this letter is being provided simultaneously to City staff, to members of the WPAB, to members of the Planning Commission, and to members of the City Council.

We hope these proposals will be acceptable to the applicant and will form the basis of a long term, amicable relationship between the residents of BOTP and their new neighbors to the north.

Sincerely,



James E. Cousar

- c: Members, Waterfront Planning Advisory Board
Members, Planning Commission
Mayor and City Council
Lee Heckman
Members, BOTP Board of Directors



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April 5, 2013

City of Austin Waterfront Planning Advisory Board Members:

This letter is to inform you that the Bouldin Creek Neighborhood Association (BCNA) Steering Committee, in support of the Zilker Neighborhood Association, the Bridges on the Park Condominium Association, and the Zachary Scott Theater Board of Trustees Executive Committee, in our strong opposition to the proposed up-zoning for 211 S. Lamar Blvd., (Case Number C814-2012-00160) and requests the Board reject the requested zoning for the following reasons:

- **The proposed site of less than one (1) acre does not meet the minimum requirement (Tier 1) for planned unit development (PUD) zoning.** PUDs were intended for large, complex projects of ten (10) acres or more. No mitigating circumstances on this site justify exemption from that minimum requirement, other than the developer's desire to maximize square footage and profit, at the expense of adjacent residents, City park-goers, and commuters. This proposal privatizes gain and socializes costs.
- **This proposal makes only token gestures at the community benefits required of such up-zoning and its accompanying entitlements.** It provides no on-site affordable housing component, which discourages ethnic diversity and widens the Social-Economic-Status (SES) gap between the current economically and racially diverse residents which characterize our Downtown and central neighborhoods.
- **The proposal would add nothing to public transit access that doesn't already exist.** It adds no pedestrian-oriented retail or other commercial use that could not be provided under existing base zoning and is provided by adjacent similarly-zoned properties. The proposed open "public" spaces are proportionally no greater than those voluntarily provided by adjacent properties. Preserving mature or heritage trees where possible should be expected of any responsible development—especially in light of the mounting evidence of climate change.
- **The proposed up-zoning would fly in the face of the Waterfront Overlay**—which was adopted by the City of Austin to protect the waterfront from exactly the type of over-development and walling off proposed within this project. The Waterfront Overlay's clearly-defined maximum setbacks and building heights ensure enjoyment of the waterfront, its open spaces and view corridors for future generations of Austinites. Those limits must be respected if our city is to enjoy the qualities that make life here so enjoyable and marketable. Additionally, the proposed structure creates looming heights which will overshadow parkland and adjacent private properties.
- **Additional density in this delicate area would exacerbate already severe traffic burdens** - Traffic already is congested on Lamar Boulevard and the historically significant Lamar Bridge. The proposal would add traffic on Riverside Drive, which bisects our City's crown jewel public park, creating safety risks for large public events and daily use of the park.

In conclusion, the proposed development does not meet PUD minimum standards and the costs of this proposal to current residents clearly outweigh any tax-base benefits from the density increase. Density in itself is no public benefit when it only reduces people's access to and enjoyment of public and private assets, decreases their safety in transit, and increases their travel time. We hope you will consider all aspects, current and future, of this proposed development not only on its impact to the tax-base but also to the quality of lives of all Austinites who traverse this major intersection.

Thank you, board members, for your public service and for your consideration in this important matter.

Sincerely,

Cyndi Collen

Cyndi Collen, President

Bouldin Creek Neighborhood Association

Exhibit C - 79

C.7
149401 Congress Avenue
Suite 2100
Austin, Texas 78701512.370.2800 OFFICE
512.370.2850 FAX
winstead.comdirect dial: (512) 370-2827
aswor@winstead.com

December 19, 2012

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 211 South Lamar ~ Zoning Application for a 0.933 acre piece of property located at 211 S. Lamar and 1211 W. Riverside (the "Property");

Mr. Guernsey:

As representatives of the owners of the above stated Property, we respectfully submit the enclosed Planned Unit Development ("PUD") application packages. The project is titled 211 South Lamar and is located at the southeast corner of South Lamar and Riverside. The PUD proposes a rezoning of the Property from CS, General Commercial Services, and CS-V, General Commercial Services - Vertical Mixed Use, zoning to PUD, Planned Unit Development District, zoning. The Property is currently developed as a Taco Cabana restaurant and surface parking lot. The owner intends to develop the Property with a mixed-use building.

A Development Assessment application was submitted for the Property on October 26, 2012, and reviewed by City Council on December 13, 2012. Attached for your review are the final comments from City staff.

The proposed project will contain approximately 175 for-sale condominium dwelling units or high-end apartment units and 11,000 square feet of retail, restaurant and other pedestrian oriented uses. The Traffic Impact Analysis (TIA) has been waived as the proposed redevelopment does not exceed the thresholds established in the Land Development Code as indicated in the attached TIA waiver executed by Ivan Naranjo dated December 12, 2012. The executed TIA waiver indicates that the residential component of the project will consist of multifamily units. It is the intent of the developer to construct condominium units or high-end apartment units (multifamily units were used as a precaution in the TIA waiver as they generate more traffic).

SCANNED
Exhibit D - 1

December 19, 2012
Mr. Guernsey

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The PUD is located within the Butler Shore Subdistrict of the Waterfront Overlay and will comply with all aspects of the Waterfront Overlay. The proposed PUD is also located within the Zilker neighborhood planning area. The Zilker neighborhood plan is on hold, therefore a Neighborhood Plan Amendment will not be required.

As described in the attached superiority chart, the proposed PUD meets or exceeds all Tier I and Tier II requirements as defined in the Land Development Code, thus resulting in a superior development that could not be achieved via conventional zoning. An updated superiority chart addressing staff concerns from the Development Assessment is attached for your review.

The PUD intends to maintain the existing CS zoning as the base district. The City Code modifications to be included in the proposed PUD District are as follows:

Code Requirement	Proposed PUD Requirement
Maximum Height: 60 feet	Maximum Height: 96 feet
Minimum Front Yard Setback: 10 feet	Minimum Front Yard Setback: 0 Feet
Minimum Street Side Yard Setback: 10 Feet	Minimum Street Side Yard Setback: 0 Feet
Maximum FAR: 2:1	Maximum FAR: 5.3:1
Open Space: Not more than 30% of required open space may be located above ground level.	Open Space: Decks, Balconies, patios, and water quality facilities, such as rain gardens, rainwater collection areas, vegetative filter strips, bio-filtration and porous pavement for pedestrian use, shall be included as open space. Planting zone and supplemental zone will also count toward meeting the open space requirements. All of the open space on the ground floor and all upper floors will be credited toward meeting the minimum open space requirement.
TCM 9.3.0 #3 (Loading): Maneuvering areas for loading facilities shall not conflict with parking spaces or with the maneuvering areas for parking spaces. Public right-of-way shall not be used for maneuvering. All maneuvering shall be contained on-site.	Modification of TCM 9.3.0 #3 (Loading) to allow: <ol style="list-style-type: none">1. A 10 x 30 x 13 area located on Lee Barton as shown on the Land Use Plan that can be used for on-street loading or valet drop-off.2. Maneuvering in the right-of-way along Lee Barton.

SCANNED

December 19, 2012
Mr. Guernsey

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Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor
Project Manager

Enclosures

cc: Jerry Rusthoven, Planning and Development Review Department (via electronic delivery with enclosures)
Lee Heckman, Planning and Development Review Department (via electronic delivery with enclosures)
Will Cureton, Ascension Development (via electronic mail without enclosures)
Scott Rodgers, Ascension Development (via electronic mail without enclosures)
Steve Drenner, Firm (without enclosures)

SCANNED
Exhibit D - 3

211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier 1 Requirement	Compliance	Superiority
1. Meet the objectives of the City Code.	Yes.	<p>The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the mouth of the Pfluger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be consistent with pedestrian and cyclist use. In addition, the project complies with Subchapter E, supports affordable housing initiatives, helps preserve a historic structure, preserves on-site trees and creates both a sustainable and architecturally interesting building.</p>
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	<ul style="list-style-type: none"> ▪ The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features. ▪ The project will create high quality development by utilizing innovative design and high quality construction. The building will be a concrete and steel structure instead of wood framing that is typically used for apartment buildings in this area. The building will contain three levels of below grade parking, eliminating the visual presence of a parking garage from all sides of the building. The architectural design utilizes a multi-face concept that steps down in height from west to east. The building steps back from Riverside Drive creating an extension of the pedestrian friendly green space of the hike and bike trail across Riverside Drive into a landscaped pedestrian-oriented plaza open to the public at all times. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott Theater as a gateway to the area south of Lady Bird Lake.</p> <ul style="list-style-type: none"> Given the location of the project, adequate public facilities and services are generally found in the area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department. The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The proposed off-site improvements include additional sidewalks along Lee Barton and Riverside Drive as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. Finally, this project will include City of Austin bike share facilities in the public plaza area. See additional notes referenced in this chart for other terms described herein.
<p>3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that:</p> <ul style="list-style-type: none"> a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided. 	Yes.	<p>The PUD is required to provide 5,364 square feet of open space to meet the 10% of residential tract requirement and 20% of nonresidential tract requirement within the PUD. As detailed under Tier II, 1, the project will provide at least 15,000 square feet of public and private open space.</p>

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

4. Comply with the City's Planned Development Green Building Program.	Yes.	The project will comply with the City's Green Building Program at a 3-Star Level (note: Staff has interpreted the base standard for this Tier 1 item to be participation in the City's Green Building Program at a 2-Star Level).
5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	Yes	The project is in compliance with all aspects of the Waterfront Overlay other than height and the project does not exceed the Butler Shores Subdistrict maximum. The PUD respects the historic property on its southern border, as well as the adjacent Bridges condominium project, by having the "U" opening towards the historic property and Bridges project and including a step down in height as it approaches the southwest property line. A neighborhood plan has not been adopted for this area.
6. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography and the natural and traditional character of the land.	Yes.	The owner will provide water quality controls superior to those otherwise required by Code through the use of rain gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater collection design exceed the Code requirements and utilize the best designs possible. The project will also preserve several trees on site via excessive setbacks that would not be saved with a project developed under the standard Code regulations.
7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	Yes.	The project will provide 1,000 square feet for use by the City of Austin Parks and Recreation Department to serve as a public store front for their special events office or other use as determined by the Department.
8. Exceed the minimum landscaping requirements of the City Code.	Yes.	<p>The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program.</p> <ol style="list-style-type: none"> 1. 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide (note: 90% is required under base regulations); 2. 100% of the all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens or through the use

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>of rainwater harvesting (or a combination of both) [note: 50% of all required landscaping is required to be irrigated in this manner - or be drought resistant species - under the base regulations.]; and</p> <p>3. An Integrated Pest Management program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site (note: this is not a requirement under the base regulations).</p>
<p>9. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.</p>	Yes.	<p>The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast corner of Lee Barton and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian crossing at Lee Barton (crossing Riverside Drive). Additionally, the project is situated in close proximity to three types of mass transit: 1) Two Cap Metro bus routes are on the same block as the project; 2) Bus Rapid Transit is scheduled to travel along South Lamar Boulevard; and 3) Future Urban Rail plans show a line which terminates mid-block on Barton Springs Road. That location is within easy walking distance of the project.</p> <p>No gated roadways will be permitted within the PUD (note: The parking areas within the project to be utilized by residents will be gated.</p>
<p>10. Prohibit gates roadways</p>	Yes.	
<p>11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.</p>	Yes.	<p>The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course.</p> <p>The proposed project will permanently provide code required parking for the Paggi House property in an adjacent parking garage structure. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces</p>

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		currently provided.	The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House.
12. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	Yes.		The property is characterized by special circumstances. The PUD is surrounded by roadways on three sides and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only viable way to achieve the additional desired height is through the PUD process.

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier 1 - Additional PUD Requirements for a mixed use development	Compliance	Superiority
1. Comply with Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Yes.	<p>The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance.</p> <p>The planned unit development as approved meets alternative equivalent compliance standards for the following provisions of Land Development Code Subchapter E (<i>Design Standards and Mixed Use</i>): Sidewalk zones (planting & clear) including tree spacing (§2.2.2.B); Supplemental zone width (§2.2.2.C.1); General building placement (§2.2.2.D.1); Continuous shaded sidewalk (§2.2.3.E.3); Connectivity (§2.3); Parking reductions (§2.4); Private common open space and pedestrian amenities (§2.7.3.C & D).</p> <p>The PUD complies with Core Transit Corridor sidewalk and building placement requirements.</p>
2. Inside the Urban Roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (<i>Design Standards and Mixed Use</i>), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (<i>Core Transit Corridor Sidewalk and Building Placement</i>).	Yes.	
3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) on the first floor of a multi-story commercial or mixed use building.	Yes.	The project contains pedestrian-oriented uses on all three street frontage sides.

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier II Requirement	Compliance	Superiority
<p>1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (<i>Minimum Requirements</i>). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.</p>	<p>Yes.</p>	<p>The open space in the PUD will exceed the elevated open space standards, taking into account the porch and plaza areas, amenity areas and balconies.</p> <p>To meet the additional 10% of open space, the PUD is required to provide 5,901 square feet of open space (note: This is an increase of 537 square feet above the Tier I requirement). This project will provide a minimum of 15,000 square feet of open space generally located as follows:</p> <ul style="list-style-type: none"> a) 3,000 square feet of public open space on the ground floor, and b) 12,000 square feet of private open space on levels above the ground floor. <p>Additionally, the PUD will enhance connectivity to the existing trail system by constructing pedestrian improvements above those required by Code in off-site areas to allow safe access from Lee Barton to Lady Bird Lake and adjacent parkland. No additional right-of-way will be required for construction of the pedestrian facilities.</p>
<p>2. Environment:</p> <ul style="list-style-type: none"> a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the minimum water quality volume required by code. d. Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract. e. Reduces impervious cover or single-family 	<p>Yes.</p>	<p>This PUD will not request any exceptions or modifications of environmental regulations. The project will also provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart d through the use of rain gardens and bio-filtration areas.</p>

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

<p>density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.</p> <ul style="list-style-type: none"> f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. i. Provides pervious paving for at least 50% or more of all paved areas in non-aquifer recharge areas. j. Prohibits uses that may contribute to air or water quality pollutants. k. Employ other creative or innovative measures. 	<p>Yes.</p>	<p>The PUD will meet the Austin Green Builder program at a 3-star level.</p>
<p>3. Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above.</p>		

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Tier 1 & Tier 2 Compliance

4. Art - Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a successor program.	Yes.	The PUD will provide art approved by the Art In Public Places Program on site.
5. Great Streets - Complies with City's Great Streets Program, or a successor program. Applicable only to commercial retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards and Mixed Use</i>)	Not applicable.	The PUD is subject to and will comply with the requirements Subchapter E standards.
6. Community Amenities - Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on the same basis as residents of the project are allowed to use such facilities.
7. Transportation - Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes.	The project will provide bicycle parking for retail patrons, as well as its residents, at above-code levels. Additionally, the PUD will allow for the placement of a public "bike share kiosk facility" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area. The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. The project will provide off-site pedestrian improvements along Lee Barton and Riverside Drive to increase the walking connectivity in the general area of the site.
8. Building Design - Exceed the minimum points required by the Building Design Options of Section 3.3.2 of Chapter 25-2, Subchapter E	Yes.	The project is required to have 1 point (Required Base Point) as listed on the City of Austin Building Design Calculation Worksheet.

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

(Design Standards and Mixed Use)		The project will obtain a minimum of 13 points by providing the Design Options listed below:
	<ul style="list-style-type: none"> ▪ 3 Star rating under the Austin Green Building Program – 3 points ▪ The project will have 2 linear stores in the project ground floor retail – 2 points ▪ The project will have façade articulation through a use of change in materiality, repeating pattern of wall recesses and projections, or a change in plane – 1 point ▪ A primary entrance will be demarked by integral planters, enhanced exterior light fixtures, and architectural details – 1 point ▪ The project will have a distinct roof design – 1 point ▪ 100% of the glazing used on the ground floor façade facing streets or parking will have a Visible Transmittance of 0.6 or higher – 1 point ▪ 75% of the facade facing the principal street will be storefront with a minimum of 2 separate entrances – 2 points ▪ The project will have a sustainable roof as outlined in Sub chapter E – 2 points 	<p>There is no above grade structured parking for the project that is visible to the public at the ground floor level from the western, northern or eastern sides of the project.</p>
<p>9. Parking Structure Frontage – In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (Waterfront Overlay District Uses) in ground floor spaces.</p>	Yes	
<p>10. Affordable Housing – Provides for affordable housing or participation in programs to achieve affordable housing.</p>	Yes.	<p>The project will participate in the Affordable Housing Options pursuant to the PUD ordinance (note: The applicant has assumed that all affordable housing options will be calculated on the delta between what the applicant proposes to build and what could be built pursuant to existing zoning and existing applicable site development regulations).</p>

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

11. Historic Preservation - Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	Yes.	Parking for the adjacent historic Paggi House shall be provided in the project's parking garage. As long as the Paggi House remains a restaurant use, 38 parking spaces for the Paggi House will be provided in the project's parking garage (note: The Paggi House presently utilizes 22 parking spaces on the surface parking lot within the property boundaries. In addition, the project has been designed to reduce mass near the Paggi House.
12. Accessibility - Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	Yes.	The project will provide for 2.5% of the units to be available for persons with disabilities (note: This represents a 25% increase above code requirements).
13. Local Small Business - Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	Yes.	The proposed PUD provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.

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MASTER REVIEW REPORT

CASE NUMBER: C814-2012-0160

CASE MANAGER: Lee Heckman

REVISION #: 00

PROJECT NAME: 211 South Lamar

LOCATION: 211 South Lamar Boulevard

SUBMITTAL DATE: December 19, 2012

REPORT DUE DATE: January 2, 2013

FINAL REPORT DATE: January 11, 2013

REPORT LATE: 9 DAYS

PHONE #: 974-7604

UPDATE: Initial Submittal

STAFF REVIEW:

- This report includes all comments received to date concerning your site plan. The PUD application will be forwarded for Board, Commission, and Council action when all requirements identified in this report have been addressed. However, until this happens, your PUD application is considered not recommended for approval.
- PLEASE NOTE: Review comments from Mapping and PARD have not been included in the following.
- PLEASE NOTE: IF YOU HAVE ANY QUESTIONS, PROBLEMS, CONCERNS OR IF YOU REQUIRE ADDITIONAL INFORMATION ABOUT THIS REPORT, PLEASE DO NOT HESITATE TO CONTACT YOUR CASE MANAGER OR INDIVIDUAL REVIEWER AT THE CITY OF AUSTIN, PLANNING & DEVELOPMENT REVIEW DEPARTMENT, P.O. BOX 1088, AUSTIN, TX.

REPORT:

- The attached report identifies those requirements that must be addressed by an update to your PUD application in order to obtain a positive recommendation for approval. This report may also contain recommendations for you to consider, which are not requirements.
- ADDITIONAL REQUIREMENTS AND RECOMMENDATIONS MAY BE GENERATED AS A RESULT OF INFORMATION OR DESIGN CHANGES PROVIDED IN YOUR UPDATE.

UPDATE DEADLINE:

- It is the responsibility of the applicant or his/her agent to update this PUD application. All updates must be submitted by 06/18/2013 which is 180 days from the date your application was filed [Sec. 25-5-113]. Otherwise, the application will automatically be denied.
- If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

EXTENSION:

- An extension to the 180 day deadline may be requested by submitting a written justification to your case manager on or before 06/18/2013. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.
- Extensions may be granted only when there are extenuating circumstances that could not have been reasonably anticipated when the application was submitted. Requests for extensions must clearly document why the additional time is needed.

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Austin Energy – Green Building Program

From: Morgan, Richard [mailto:Richard.Morgan@austinenergy.com]
Subject: 211 S. Lamar PUD

I've reviewed the PUD zoning submittal for 211 and my only comment is that when the restrictive covenants are prepared the following green building language should be used.

All buildings in the PUD (in this case the building) will achieve a two star (or three star if they are still pursuing Tier 2 status) rating under the City's Austin Energy Green Building program using the applicable ratings versions in effect at the time ratings applications are submitted for individual buildings.

Richard Morgan
Green Building & Sustainability Manager
Austin Energy
512-482-5309
richard.morgan@austinenergy.com

NPZ Comprehensive Planning Review - Kathleen Fox (512) 974-7877

211 S Lamar Blvd
CS and CS-V to PUD
C814-2012-0160

This zoning case is located on the east side of S Lamar Blvd, just south of Riverside Road. The subject property contains a Taco Cabana. The proposed use is PUD mixed use development. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include Lady Bird Lake Trail to the north, a multi-family condo building to the south, a City of Austin Parks and Recreation Office to the west, and Butler Park to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an **Activity Corridor**. This property is also located along a designated High Capacity Transit Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

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- **LUT P1.** Align land use and transportation planning and decision-making to achieve compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along an Activity Corridor and a High Capacity Transit Corridor, and the Imagine Austin policies referenced above, staff believes that this proposed PUD mixed use project is supported by the Imagine Austin Comprehensive Plan.

NPZ Drainage Engineering Review - Jay Baker (512) 974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DE 1. No comments.

Signoff: 1/2/13

Electric Review - David Lambert - (512) 322-6109

EL 1. The proposed building must meet Austin Energy, OSHA, and National Electric Safety Code clearances from the existing overhead electric lines along Lee Barton. With the 0 foot setbacks it isn't clear that this will occur.

Contact me to schedule a meeting to discuss these clearances as well as electric service to the proposed building with Austin Energy's review team.

Until we are confident clearances will be met, this case should not go forward.

EL 2. FYI: Any relocation of existing electric facilities shall be at developer's expense.

NPZ Environmental Review - Brad Jackson (512) 974-3410

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesi on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees

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proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

- SP 1. The Land Use Plan provided with this application does not match recent site plans used for discussion purposes with staff. As discussed in our meeting with Amanda Swor and Jeff Scott on January 8, please continue to coordinate with Humberto Rey/Urban Design to ensure that the streetscape issues associated with this proposed development are compliant.
- SP 2. This proposed Planned Unit Development is within the Butler Shores Waterfront Overlay Subdistrict, and the PUD zoning case must be presented to the Waterfront Planning Advisory Board (WPAB) for review and recommendation prior to placement on the Planning Commission agenda. Please contact this reviewer to schedule a public hearing before the WPAB.
- SP 3. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):
- a. a general Land Use Plan with metes and bounds descriptions. Include the zoning, zoning district boundaries and land uses on the surrounding properties;
 - b. proposed site development regulations;
 - c. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;
 - d. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;
 - e. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and
 - f. any other information required by the director of the Planning and Development Review Department.
- SP 4. Provide a summary table on the Land Use Plan indicating the site development regulations for each proposed use. Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6. Include the following information:
- a. A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;

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- b. the maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use);
- c. total square footage and whether structured parking facilities are proposed.
- d. maximum impervious cover;
- e. maximum height limitation;
- f. minimum setbacks;
- g. the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- h. all civic uses by type and proposed site development regulations.

Additional site development regulations may be specified by the City Council.

SP 5. 2.3.2. In addition to the requirements of 2.3.1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must:

- a. comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use).
- b. comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks And Building Placement); and
- c. provide pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

SP 6. On the Land Use Plan, depict the boundaries and locations of all Waterfront Overlay primary and secondary setback lines (LDC 25-2-721).

SP 7. Will the Paggi House restaurant remain open during the construction process for this development? If so, where will its patrons park while the site is under construction? A separate Transportation ("T") site plan may be required to permit off-site parking for the restaurant during the construction period while its current parking lot is displaced.

NPZ Flood Plain Review - David Marquez (512) 974-3389

No comments

NPZ Transportation Review - Ivan Naranjo (512) 974-7649

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for

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approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

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TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

NPZ Water Quality Review - Jay Baker (512) 974-2636

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ORIGINAL COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

NPZ Austin Water Utility Review - Neil Kepple (512) 972-0077

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required

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by the proposed land use. Depending on the development plans submitted, water and wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

NPZ Zoning Review - Lee Heckman (512) 974-7604

1. The cover memo references a TIA waiver letter. It was not attached; please provide.

2. Tier Table Comments:

- a. In general, please ensure consistency between specifics in the Table and Notes on the Land Use Plan. If numbers have been specified on one, please specify and match in the other.
- b. I. 2. Staff understands construction of the building is steel and concrete. Since the Waterfront Overlay district requires glass and natural materials, please indicate how the façade will be presented.
- c. I.2. Please indicate the rent-free status for the PARD facilities is for 25 years.
- d. I.2. Consider adding the provision of community meeting space to this cell; although it is listed elsewhere, it is not an insignificant offering.
- e. I.3. Indicate the public versus private space here. Provide a list (table?) detailing how much is balcony, roof-top garden, patio, plaza, etc.; actual square feet or percentages are OK.
- f. I.7. Again, specify the duration of the provision, and that it is rent free.
- g. I.9. Can you please illustrate this? A simple graphic/map would be helpful because the text is a little confusing. Also, specify how this is going to be accomplished (e.g., by paying the City \$X amount for us to within X timeframe). [Has the City committed to design and build these sidewalks in the ROW? Or, is this payment into a general sidewalk fund. Provide any documentation from the City confirming our acceptance and/or commitment]
- h. I.11. To what heights? Please match plan note 24.
Also, the elevator relocation benefit is unclear – both to whom it's a benefit and physically. Please provide a simple sketch showing the current and future location as relates to the Paggi House and parking area.
- i. I.MU.1. Do you mean the PUD "as proposed" instead of "as approved"? Also, please specify (perhaps as a separate table, but this would not necessarily need to be detailed further on the plan notes) what the Subchapter E requirements are and what's proposed for alternative compliance.
- j. I.MU.3. Please reiterate the % of frontage that will be pedestrian-oriented. Also, the Waterfront Overlay requires a minimal 50% of net usable space for such uses on the ground floor. What % is achieved in this project?
- k. II.1. See "f" above. Please provide as much detail as possible identifying different uses and how they contribute to the total.
Also, plan note #24 indicates the Riverside crossing will be pedestrian-activated; please update this reference to be consistent. As with the sidewalk improvements, provide documentation that the COA is in agreement and committed to provide such improvements.

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- l. II.4. This seems to be a little inconsistent with the plan note. Provide documentation that the Art in Public Spaces Program will coordinate any AMOA arrangement. How would the "value" of art provided compare to the funds provided to the Art in Public Spaces Program? Please elaborate.
- m. II.5. These seems to contradict earlier alternative equivalent compliance statements. Please clarify or elaborate.
- n. II. 7. Bike share kiosk – please provide some level of quantification. How large are the facilities, what do they hold, etc. Who is coordinating/maintaining these? Is it a COA deal, private party, non-profit? Plan notes reference 120% for patron parking - what does this mean?
For whose use are the dedicated EV parking spots (visitors, residents, customers)?
- o. II.9. So, what's visible from the south? Is it screened like the Lamar edge as referenced in the plan notes? There is uncertainty whether the ground floor parking is structured and/or above grade. A visual might help, but at minimum, please describe the parking facilities in terms of at/above/below grade and what's visible from where.
Also, please reiterate you're meeting the minimum 75% frontage requirement on all three streets.
- p. II.10. Will this participation be through the provision of onsite units or fees? If uncertain, specify what those requirements would be – unit #/% or fees in lieu.
- q. II.11. Do we deduce that 2.5% of 175 units (4.3) is rounded to 4 or 5? Clarify if you can.

3. Land Use Plan Comments – Sheet 1

- a. Please clearly distinguish existing versus proposed land use; separate schematics on the same sheet would be ideal. Clearly depict PUD boundary (heavier line) and future building lines. What's the buildable area? Is there a setback from the Bridges building? Please label Paggi House and Bridges buildings as existing. Identify Fast Food Restaurant as Existing.
- b. Provide a location map
- c. Provide the case number
- d. Please label medians and eastern dashed lines on Lee Barton.
- e. Please consider adding a legend for various line types.
- f. Highlight existing (and to be saved) trees on schematics.
- g. Additional PO Use – why are admin offices split into two categories? Is the intent that only these types of admin offices are permitted?
- h. Related, do you really think it necessary to preclude a Theater, Counseling Services and Hotel-Motel use?
- i. Note: The use of color (for the planting and other zones) is acceptable; however, you will be required to provide a color mylar is you continue to depict these in color on paper submittals. Alternately, black-and-white is acceptable.

4. Land Use Plan Comments – Sheet 2

- a. As noted above, please be consistent with items noted in the Tier Tables. If something is specified, quantified, qualified, or otherwise elaborated upon in one, please do so in the other. Note: Some of these plan notes may be incorporated into the PUD document instead of, or in addition to, being on the plan sheet. Specificity matters.

And because it matters, do you really want to specify the exact numbers for height in Note # 22? Would an approximation work? Would a schematic illustrate this better? Are you attempting to specify heights or describe the blocks as part of the

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appearance and articulation? Please bear in mind that deviations from numbers specified in the land use plan (or reflected in the PUD document) will likely result in a PUD amendment.

- b. Note # 4: The future is now, even if suspended. Please update to: The site is within the South Lamar Combined Neighborhood Planning Area.
- c. What is the purpose of Note #6?
- d. Note 8: Who does this serve? Provide a copy of the executed document and depict on the plan schematic – both the existing and future graphics. If this won't be dedicated until the site-planning stage, remove the blank and clarify. Depict on the future land use graphic and label as proposed.
- e. Note # 13. Please reword first sentence. Provide confirmation that NHCD will review the lease or other arrangement. Are there criteria for approving "other arrangements" and, for discussion purposes (not a plan note), what might some of those other arrangements be?
- f. Note # 23. When does the 25 year period begin? If at the time of CO issuance, specify that (and update in the Tier Table as appropriate).
- g. Notes 24, 27, 28, 30 and 31: Please check for consistency with Tier Table items, especially as you update or expand upon or further quantify those items.
- h. Note # 32: Please highlight trees in Sheet 1 schematics. See also 6a, below.
- i. Note # 33/Variance to TCM9.3.0 #3: Is this a variance to zoning requirements or to site-planning requirements? If it is appropriate to consider at the rezoning stage, then provide the documentation from Transportation (see reviewer note #7) concurring with the proposal. If this is NOT a variance to the zoning code, but associated with site-planning, then please remove from plan sheet and table of CS variances.
- j. Note # 34: If "Fully Accessible Type A" is defined somewhere, please provide that citation. Please see 3q above.

5. Other Comments

- a. Please provide an 8.5 x 11 exhibit of the land use plan sheets and the tree survey referenced in Note # 32.
- b. Please provide an 8.5 x 11 exhibit of the building blocks with approximate heights. This is for illustration purposes only and will not be incorporated into the PUD document or land use plan. Related, provide a sketch of the "distinctive" building cap, if available, as required by the Waterfront Overlay.
- c. In reviewing deliberations over The Park PUD, which was your firm's project, and other recent smaller-scale PUDs, it has become clear that Council prefers a listing or summary of all the public benefits, which may be slightly different than superiority items. Aesthetics and design/construction materials aside (which might exceed Tier requirements and thus be a superior feature), what are the tangible and obvious public benefits? In other words, what makes this project a good deal (exchange) for Austin (the City and the community)? To the extent you can provide a benefits summary, please do so.

CASE MANAGER – Lee Heckman – (512) 974-7604

A PRELIMINARY STAFF RECOMMENDATION CANNOT BE DETERMINED AT THIS TIME BASED ON THE INFORMATION PROVIDED IN THIS APPLICATION.

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A formal update is required. Please submit 1 copy of updated materials and 1 copy of a response memo to INTAKE for distribution to each reviewer that provided review comments **requiring a response**. Please provide all required documentation to the individual reviewer who requested it. PLEASE CLEARLY LABEL ALL PACKETS WITH THE REVIEWER'S NAME.

Please provide **three copies** of update materials and response letters to Zoning Review/Case Management

Please Note: You must make an appointment with the Intake Staff (974-2689) to submit the update. PLEASE BRING ALL COPIES OF THIS REPORT WITH YOU UPON SUBMITTAL TO INTAKE.

Additional comments may be generated as requested information is provided.

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Reviewers:

Austin Energy – Green Building Program – Richard Morgan (512) 482-5309
Comprehensive Planning Review - Kathleen Fox (512) 974-7877
Drainage Engineering Review - Jay Baker (512) 974-2636
Electric Review - David Lambert - (512) 322-6109
Environmental Review - Brad Jackson (512) 974-3410
Flood Plain Review - David Marquez (512) 974-3389
Mapping Review – TBD
PARC – Chris Yanez (512) 974-9455
Site Plan Review - Michael Simmons-Smith (512) 974-1225
Transportation Review - Ivan Naranjo (512) 974-7649
Water Quality Review - Jay Baker (512) 974-2636
Austin Water Utility Review - Neil Kepple (512) 972-0077
Zoning/Case Management - Lee Heckman (512-974-7604)

The following comments were issued January 15, 2013

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NPZ PARD/Planning & Design Review - Chris Yanez (512) 974-9455

- PR1. Provide basis/rationale for open space calculations, include for residential and non-residential separately. Numbers for Tier 1 and Tier 2 requirements appear inconsistent and the correlation to amount of land use is unclear.
- PR2. What is the proposed or anticipated amount of open space above ground level in square feet/acre and percentage? Also provide separate break out amounts for decks/balconies/patios; water quality facilities; and planting/supplemental zones.
- PR3. Provide anticipated amount of private vs. publicly accessible open space.
- PR4. Water quality facilities must be designed and maintained as an amenity to receive credit for open space.
- PR5. PARD acknowledges note 23 on the Land Use Plan Notes sheet and the referenced reduction of open space for urban properties. While the proposed 25-year rent free term can be interpreted as an additional community benefit, it is a finite term that may not fully consider the lifespan of the development and the impacts of reduced open space on its tenants. Would the applicant consider extensions to the proposed term at same or reduced rates for PARD or other City Departments or other community benefit once term expires?

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174401 Congress Avenue
Suite 2100
Austin, Texas 78701512.370.2800 office
512.370.2850 fax
winstead.comdirect dial: (512) 370-2827
aswor@winstead.com

February 1, 2013

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704Via Hand DeliveryRe: Formal Update 1 to 211 South Lamar – C814-2012-0160 - Zoning Application for a 0.933 acre piece of property located at 211 S. Lamar and 1211 W. Riverside (the "Property");

Mr. Guernsey:

As representatives of the owners of the above stated Property, we respectfully submit Update 1 to the Planned Unit Development ("PUD") application package. Included in this application package for your review is an updated Land Use Plan and superiority chart. Below please find the responses to comments from Reviewers:

Austin Energy – Green Building Program – Richard Morgan (512) 842-5309

I've reviewed the PUD zoning submittal for 211 and my only comment is that when the restrictive covenants are prepared the following green building language should be used.

All buildings in the PUD (in this case the building) will achieve a two star (or three star if they are still pursuing Tier 2 status) rating under the City's Austin Energy Green Building program using the applicable ratings versions in effect at the time ratings applications are submitted for individual buildings.

AE 1 – Noted.**NPZ Comprehensive Planning Review - Kathleen Fox (512) 974-7877**211 S Lamar Blvd
CS and CS-V to PUD
C814-2012-0160**Exhibit D - 26**

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This zoning case is located on the east side of S Lamar Blvd, just south of Riverside Road. The subject property contains a Taco Cabana. The proposed use is PUD mixed use development. This case is not located within the boundaries of a neighborhood planning area. Surrounding land uses include Lady Bird Lake Trill to the north, a multi-family condo building to the south, a City of Austin Parks and Recreation Office to the west, and Butler Park to the east.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this section of S. Lamar Boulevard as an **Activity Corridor**. This property is also located along a designated High Capacity Transit Corridor. Activity corridors are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development and promoting a compact and connected city:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along an Activity Corridor and a High Capacity Transit Corridor, and the Imagine Austin policies referenced above, staff believes that this proposed PUD mixed use project is supported by the Imagine Austin Comprehensive Plan.

NPZCPR – Noted.

NPZ Drainage Engineering Review - Jay Baker (512) 974-2636

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DE 1. No comments.

Signoff: 1/2/13

Electric Review - David Lambert - (512) 322-6109

EL 1. The proposed building must meet Austin Energy, OSHA, and National Electric Safety Code clearances from the existing overhead electric lines along Lee Barton. With the 0 foot setbacks it isn't clear that this will occur.

Contact me to schedule a meeting to discuss these clearances as well as electric service to the proposed building with Austin Energy's review team.

Until we are confident clearances will be met, this case should not go forward.

EL 1 – A meeting was conducted on January 14, 2013 with Mr. Lambert and the concerns associated with this comment have been addressed. See attached e-mail clearing comment.

EL 2. FYI: Any relocation of existing electric facilities shall be at developer's expense.

EL 2 – Noted.

NPZ Environmental Review - Brad Jackson (512) 974-3410

EV 01 This PUD is proposing to save 8 of the 10 trees along the perimeter of the site. The applicant has met with this reviewer and the City Arborist Michael Embesl on design techniques to save trees. In order to fully demonstrate environmental superiority of this PUD, the 2 trees proposed for removal must be further reviewed to assess any possible design changes that could save these trees. This comment pending coordination with the City Arborist to assess the site design and the trees.

EV 01 - The applicant has conducted further review of the building layout with the Environmental Reviewer and the City Arborist and considered design changes. The concurrent conclusion reached is that removal of two trees is necessary.

EV 02 The land use plan sheet does not show trees to be preserved and there appears to be sidewalks and planting zones shown within the ½ CRZ of trees proposed for preservation. In addition, the "plaza and outdoor seating area" shown within tree CRZs does not appear to meet tree preservation criteria. It appears the trees with appropriate CRZ preservation areas need to be shown on the Land Use Plan to ensure all planning aspects of the proposed PUD can be accomplished simultaneously.

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EV 02 - The critical root zone as shown on the Land Use Plan will remain undisturbed. The project will develop and adopt a formal tree care plan as part of the site plan permit process. This language has been added to note 32 of the Land Use Plan.

NPZ Site Plan Review - Michael Simmons-Smith (512) 974-1225

SP 1. The Land Use Plan provided with this application does not match recent site plans used for discussion purposes with staff. As discussed in our meeting with Amanda Swor and Jeff Scott on January 8, please continue to coordinate with Humberto Rey/Urban Design to ensure that the streetscape issues associated with this proposed development are compliant.

SP 1 – The applicant will ensure that upon submittal of an update for the Site Plan that Humberto Rey is included on the distribution list.

SP 2. This proposed Planned Unit Development is within the Butler Shores Waterfront Overlay Subdistrict, and the PUD zoning case must be presented to the Waterfront Planning Advisory Board (WPAB) for review and recommendation prior to placement on the Planning Commission agenda. Please contact this reviewer to schedule a public hearing before the WPAB.

SP 2 – Noted.

SP 3. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):

- a. a general Land Use Plan with metes and bounds descriptions. Include the zoning, zoning district boundaries and land uses on the surrounding properties;
- b. proposed site development regulations;
- c. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;
- d. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;
- e. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and
- f. any other information required by the director of the Planning and Development Review Department.

SP 3 – The Land Use Plan is updated to include all applicable items.

SP 4. Provide a summary table on the Land Use Plan indicating the site development regulations for each proposed use. Uses shall be listed at a level of detail sufficient for Traffic Impact Analysis review as required in Section 25-6. Include the following information:

- a. A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;

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- b. the maximum floor-area ratio (to be no greater than the maximum authorized in the most restrictive base zoning district where the most intense proposed use on a tract is first authorized as a permitted use);
- c. total square footage and whether structured parking facilities are proposed.
- d. maximum impervious cover;
- e. maximum height limitation;
- f. minimum setbacks;
- g. the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- h. all civic uses by type and proposed site development regulations.

Additional site development regulations may be specified by the City Council.

SP 4 – As discussed in the meeting between Michael Simmons-Smith and Amanda Swor on January 14, 2013, this level of detail is not required at the PUD stage.

SP 5. 2.3.2. In addition to the requirements of 2.3.1 (Minimum Requirements), a PUD containing a retail, commercial, or mixed use development must:

- a. comply with Chapter 25-2, Subchapter E (Design Standards And Mixed Use).
- b. comply with the sidewalk standards in Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks And Building Placement); and
- c. provide pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

SP 5 – Noted.

SP 6. On the Land Use Plan, depict the boundaries and locations of all Waterfront Overlay primary and secondary setback lines (LDC 25-2-721).

SP 6 - The primary and secondary setback lines are depicted on the Land Use Plan.

SP 7. Will the Paggi House restaurant remain open during the construction process for this development? If so, where will its patrons park while the site is under construction? A separate Transportation ("T") site plan may be required to permit off-site parking for the restaurant during the construction period while its current parking lot is displaced.

SP 7 – The Paggi House tenant has the option to remain open during construction of the project. If the tenant remains open, parking will be handled on a valet basis. See note 6 of the Land Use Plan.

NPZ Flood Plain Review - David Marquez (512) 974-3389

No comments

NPZ Transportation Review - Ivan Naranjo (512) 974-7649

TR1. No additional right-of-way is needed for S. Lamar Blvd. and Riverside Drive per the Austin Metropolitan Area Transportation Plan.

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TR 1 – Noted.

TR2. A traffic impact analysis was waived for this case because the traffic that will be generated by the proposed land uses for the PUD do not exceed the threshold of 2,000 vehicle trips per day over the existing land uses. [LDC, 25-6-113] If the PUD zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day over the existing uses. [LDC, 25-6-117]

TR 2 – Noted.

TR3. The proposed PUD must demonstrate superior elements aimed to improve the efficiency for vehicular, bicycle, pedestrian, and accessible traffic networks located in the PUD's surrounding area. All proposed transportation improvements need to be coordinated for approvals by the Public Works Dept., the Austin Transportation Dept., and the Dept. of Planning & Development Review.

TR 3 – Noted.

TR4. The proposed PUD would be required to comply with the Great Streets Program or the intent of Subchapter E, Section 25-2, of the Land Development Code. The requirements of Subchapter E pertinent to this development are dependent upon the site's principal roadway types; S. Lamar Blvd. and Riverside Drive are defined as Core Transit Corridors. Approval from PDRD Urban Design Division would be required at the site plan stage.

TR 4 – Noted.

TR5. Sidewalk easements are required when the public sidewalk enters onto private property. Some sections of the proposed PUD include public sidewalks shown within private property and thus will require a sidewalk easement which must be approved by the Legal Dept.

TR 5 – Noted.

TR6. All driveways and parking must be provided in accordance with design and construction standards of the Transportation Criteria Manual. The proposed driveway along S. Lamar Blvd. shows encroachment and will require the consent from the adjacent property owner for approval of the site plan.

TR 6 – A Joint Use Access Easement between the Applicant and the adjacent property owner is currently being reviewed by the City of Austin. Upon approval from the City (prior to approval of the PUD), the JUAE will be recorded. See Note 8 on the Land Use Plan.

TR7. Written approvals from the Austin Transportation Dept. will be required for the proposed street modification along Riverside Drive and for the On-street loading and Valet-drop-off zone proposed within the Lee Barton Road right-of-way.

TR 7 – The PUD is not proposing any street modifications along Riverside Drive. Additionally, the valet-drop-off/on-street loading request has been removed from the PUD.

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TR8. The proposed PUD is located in the urban core area of the city and should meet the minimum off-street parking requirement which is 80 percent of that prescribed by Chap. 25-6, Appendix A.

TR 8 – See Note 14 on the Land Use Plan, the PUD is proposing to meet 60% of the requirement prescribed by Chapter 25-6, Appendix A. The 60% requirement is consistent with the VMU provisions in the area.

NPZ Water Quality Review - Jay Baker (512) 974-2636

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ORIGINAL COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

WQ 1. Include in the land use plan a water quality plan demonstrating how the Tier II requirements can be met including 25% additional water quality volume and 20 % greater pollutant removal as well as treatment of currently untreated off-site drainage areas of at least 25% of the subject tract.

WQ 1 - A new page has been added to the Land Use Plan addressing how both Tier I and Tier II requirements will be met. As discussed on a January 11th telephone call with the reviewer, the PUD is exhibiting Superiority by providing innovative water quality controls that "Provide water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25% of the subject tract". This satisfies item "d" of the Environment Tier II options of the PUD ordinance.

The comment of 25% additional water quality volume and 20% greater pollutant removal is not applicable as neither is being sought as a part of this PUD as they are neither directly applicable nor constructively achievable.

NPZ Austin Water Utility Review - Neil Kepple (512) 972-0077

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap

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and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

NPZ Zoning Review - Lee Heckman (512) 974-7604

1. The cover memo references a TIA waiver letter. It was not attached; please provide.

ZR 1 – Comment cleared per meeting between Lee Heckman and Amanda Swor on January 14, 2013.

2. Tier Table Comments:

a. In general, please ensure consistency between specifics in the Table and Notes on the Land Use Plan. If numbers have been specified on one, please specify and match in the other.

a. **Noted. The superiority table has been updated to include all notes from the Land Use Plan.**

b. I. 2. Staff understands construction of the building is steel and concrete. Since the Waterfront Overlay district requires glass and natural materials, please indicate how the façade will be presented.

b. **The façade will be constructed to meet or exceed the requirements of the Waterfront Overlay. Please see updated Note 20.**

c. I.2. Please indicate the rent-free status for the PARD facilities is for 25 years.

c. **See note 23 on the Land Use Plan.**

d. I.2. Consider adding the provision of community meeting space to this cell; although it is listed elsewhere, it is not an insignificant offering.

d. **Noted.**

e. I.3. Indicate the public versus private space here. Provide a list (table?) detailing how much is balcony, roof-top garden, patio, plaza, etc.; actual square feet or percentages are OK.

e. **As discussed in a meeting between Lee Heckman and Amanda Swor on January 14, 2013, at the zoning stage a breakdown of this detail is not applicable. Please see note 37 detailing the amount of private and public open space.**

f. I.7. Again, specify the duration of the provision, and that it is rent free.

f. **See note 23 on the Land Use Plan.**

g. I.9. Can you please illustrate this? A simple graphic/map would be helpful because the text is a little confusing. Also, specify how this is going to be accomplished (e.g., by paying the City \$X amount for us to within X timeframe). [Has the City committed to design and build these sidewalks in the ROW? Or, is this payment into a general

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sidewalk fund. Provide any documentation from the City confirming our acceptance and/or commitment]

- g. **A new page has been added to the Land Use Plan showing the location of the offsite pedestrian improvements. See Note 24 on the Land Use Plan.**
- h. **I.11. To what heights? Please match plan note 24.**
Also, the elevator relocation benefit is unclear – both to whom it's a benefit and physically. Please provide a simple sketch showing the current and future location as relates to the Paggi House and parking area.
- h. **See note 22 on the Land Use Plan for height requirements. As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, the relocation of the elevator near the Paggi House will comply with ADA accessibility requirements and a sketch is not required. See note 35 on the Land Use Plan.**
- i. **I.MU.1. Do you mean the PUD "as proposed" instead of "as approved"? Also, please specify (perhaps as a separate table, but this would not necessarily need to be detailed further on the plan notes) what the Subchapter E requirements are and what's proposed for alternative compliance.**
- i. **As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, the language on the Land Use Plan will need to read "as approved" for accuracy purposes following adoption of the PUD. Additionally, at this time the exact extent of Alternative Equivalent Compliance is not known, the details will be finalized at Site Plan.**
- j. **I.MU.3. Please reiterate the % of frontage that will be pedestrian-oriented. Also, the Waterfront Overlay requires a minimal 50% of net usable space for such uses on the ground floor. What % is achieved in this project?**
- j. **See new note 36 on the Land Use Plan addressing the percentage of pedestrian oriented uses on the ground floor as well as net usable space on the ground floor.**
- k. **II.1. See "e" above. Please provide as much detail as possible identifying different uses and how they contribute to the total.**
Also, plan note #24 indicates the Riverside crossing will be pedestrian-activated; please update this reference to be consistent. As with the sidewalk improvements, provide documentation that the COA is in agreement and committed to provide such improvements.
- k. **Please see note 37 detailing the amount of private and public open space. Additionally, note 24 has been updated to address the pedestrian improvements.**
- l. **II.4. This seems to be a little inconsistent with the plan note. Provide documentation that the Art in Public Spaces Program will coordinate any AMOA arrangement. How would the "value" of art provided compare to the funds provided to the Art in Public Spaces Program? Please elaborate.**

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- l. See note 18 on the Land Use Plan.**
- m. II.5. These seems to contradict earlier alternative equivalent compliance statements. Please clarify or elaborate.**
- m. This requirement is not applicable to the PUD. Compliance with Great Streets is not applicable for this development as it is subject to the requirements of Chapter 25-2, Subchapter E.**
- n. II. 7. Bike share kiosk – please provide some level of quantification. How large are the facilities, what do they hold, etc. Who is coordinating/maintaining these? Is it a COA deal, private party, non-profit? Plan notes reference 120% for patron parking - what does this mean?**
For whose use are the dedicated EV parking spots (visitors, residents, customers)?
- n. Note 27 has been updated to clarify the 120% bicycle parking requirement and address the Bike Share Kiosk. See note 28 on the Land Use Plan, the electric vehicle spaces will be available both for residents and retail patrons.**
- o. II.9. So, what's visible from the south? Is it screened like the Lamar edge as referenced in the plan notes? There is uncertainty whether the ground floor parking is structured and/or above grade. A visual might help, but at minimum, please describe the parking facilities in terms of at/above/below grade and what's visible from where.**
Also, please reiterate you're meeting the minimum 75% frontage requirement on all three streets.
- o. See note 19 on the Land Use Plan. Parking will not be visible from the adjacent project on the southern boundary of the PUD.**
- p. II.10. Will this participation be through the provision of onsite units or fees? If uncertain, specify what those requirements would be – unit #/% or fees in lieu.**
- p. See note 30 on the Land Use Plan.**
- q. II.11. Do we deduce that 2.5% of 175 units (4.3) is rounded to 4 or 5? Clarify if you can.**
- q. Fractional units will be rounded up. Please see note 34 on the Land Use Plan.**
- 3. Land Use Plan Comments – Sheet 1**
 - a. Please clearly distinguish existing versus proposed land use; separate schematics on the same sheet would be ideal. Clearly depict PUD boundary (heavier line) and future building lines. What's the buildable area? Is there a setback from the Bridges building? Please label Paggi House and Bridges buildings as existing. Identify Fast Food Restaurant as Existing.**
 - a. As discussed in the meeting between Lee Heckman, Michael Simmons-Smith and Amanda Swor on January 14, 2013, the Land Use Plan has been updated to remove all existing buildings within the PUD. At the zoning stage, it is not**

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required to depict the location of future buildings. These changes address the remainder of the concerns raised in this comment.

- b. Provide a location map
 - b. **Noted. The Land Use Plan has been updated to include a location map.**
 - c. Provide the case number
 - c. **Noted. The Land Use Plan has been updated to include the case number on all pages.**
 - d. Please label medians and eastern dashed lines on Lee Barton.
 - d. **Noted. Property and ROW lines have been identified on the Land Use Plan.**
 - e. Please consider adding a legend for various line types.
 - e. **Noted. Where applicable, a legend has been included on the Land Use Plan.**
 - f. Highlight existing (and to be saved) trees on schematics.
 - f. **A new page has been added to the Land Use Plan addressing location of trees and identifying existing trees and those to be saved.**
 - g. Additional PO Use – why are admin offices split into two categories? Is the intent that only these types of admin offices are permitted?
 - g. **Yes, the intent is that only Administrative Business Offices for On-Site Sales and Leasing and Administrative Business Offices if an Owner Resides on Site be added as additional Pedestrian Oriented Uses.**
 - h. Related, do you really think it necessary to preclude a Theater, Counseling Services and Hotel-Motel use?
 - h. **The applicant has included Counseling Services as a permitted use within the PUD. Hotel-Motel and Theater remain prohibited uses.**
 - i. Note: The use of color (for the planting and other zones) is acceptable; however, you will be required to provide a color mylar if you continue to depict these in color on paper submittals. Alternately, black-and-white is acceptable.
 - i. **The Land Use Plan has been revised to remove color depictions and is now black-and-white.**
4. Land Use Plan Comments – Sheet 2
- a. As noted above, please be consistent with items noted in the Tier Tables. If something is specified, quantified, qualified, or otherwise elaborated upon in one, please do so in the other. Note: Some of these plan notes may be incorporated into the PUD document instead of, or in addition to, being on the plan sheet. Specificity matters.

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And because it matters, do you really want to specify the exact numbers for height in Note # 22? Would an approximation work? Would a schematic illustrate this better? Are you attempting to specify heights or describe the blocks as part of the appearance and articulation? Please bear in mind that deviations from numbers specified in the land use plan (or reflected in the PUD document) will likely result in a PUD amendment.

- a. **Noted. The superiority chart has been updated to include specific referenced to notes on the Land Use Plan.**
- b. **Note # 4: The future is now, even if suspended. Please update to: The site is within the South Lamar Combined Neighborhood Planning Area.**
- b. **Note 4 has been updated.**
- c. **What is the purpose of Note #6?**
- c. **Note 6 on the Land Use Plan addresses comment SP 7.**
- d. **Note 8: Who does this serve? Provide a copy of the executed document and depict on the plan schematic – both the existing and future graphics. If this won't be dedicated until the site-planning stage, remove the blank and clarify. Depict on the future land use graphic and label as proposed.**
- d. **Note 8 on the Land Use Plan addresses comment TR 6. Upon recordation a copy of the document will be provided to the reviewer.**
- e. **Note # 13. Please reword first sentence. Provide confirmation that NHCD will review the lease or other arrangement. Are there criteria for approving "other arrangements" and, for discussion purposes (not a plan note), what might some of those other arrangements be?**
- e. **Note 13 has been updated as requested. The remainder of this comment was cleared in the meeting between Lee Heckman and Amanda Swor on January 14, 2013.**
- f. **Note # 23. When does the 25 year period begin? If at the time of CO Issuance, specify that (and update in the Tier Table as appropriate).**
- f. **The 25 year period begins at the time of Certificate of Occupancy. Note 23 has been updated.**
- g. **Notes 24, 27, 28, 30 and 31: Please check for consistency with Tier Table items, especially as you update or expand upon or further quantify those items.**
- g. **Noted.**
- h. **Note # 32: Please highlight trees in Sheet 1 schematics. See also 6a, below.**
- h. **A new sheet has been added to the Land Use Plan clarifying tree preservation.**

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TSC

- i. Note # 33/Variance to TCM9.3.0 #3: Is this a variance to zoning requirements or to site-planning requirements? If it is appropriate to consider at the rezoning stage, then provide the documentation from Transportation (see reviewer note #7) concurring with the proposal. If this is NOT a variance to the zoning code, but associated with site-planning, then please remove from plan sheet and table of CS variances.
- i. The variance request to TCM 9.3.0 #3 is not a zoning requirement however the variance may be granted through the PUD.
- j. Note # 34: If "Fully Accessible Type A" is defined somewhere, please provide that citation. Please see 3q above.
- j. See updated note 34. As defined in the 2009 International Building Code a type A unit has some elements that are constructed for accessibility [e.g., 32-inch clear width doors for maneuvering clearances] and some elements that are constructed as adaptable [e.g., blocking for future installation for grab bars]. A type A dwelling unit is designed and constructed to provide accessibility for wheelchair users throughout the unit. The units will meet the technical requirements for the interior of a Type A unit as defined in Section 1003 of International Code Council A117.1.

5. Other Comments

- a. Please provide an 8.5 x 11 exhibit of the land use plan sheets and the tree survey referenced in Note # 32.
- a. An 8.5 X 11 copy of all pages of the Land Use Plan is included within this submittal. The tree survey is no longer applicable as a new page has been added to the Land Use Plan addressing tree preservation.
- b. Please provide an 8.5 x 11 exhibit of the building blocks with approximate heights. This is for illustration purposes only and will not be incorporated into the PUD document or land use plan. Related, provide a sketch of the "distinctive" building cap, if available, as required by the Waterfront Overlay.
- b. As discussed in the January 14, 2013 meeting between Lee Heckman and Amanda Swor, this exhibit is not required.
- c. In reviewing deliberations over The Park PUD, which was your firm's project, and other recent smaller-scale PUDs, it has become clear that Council prefers a listing or summary of all the public benefits, which may be slightly different than superiority items. Aesthetics and design/construction materials aside (which might exceed Tier requirements and thus be a superior feature), what are the tangible and obvious public benefits? In other words, what makes this project a good deal (exchange) for Austin (the City and the community)? To the extent you can provide a benefits summary, please do so.

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NPZ PARD/Planning & Design Review – Chris Yanez (512) 974-9455

PR1. Provide basis/rationale for open space calculations, include for residential and non-residential separately. Numbers for Tier 1 and Tier 2 requirements appear inconsistent and the correlation to amount of land use is unclear.

PR 1 - See note 37 on the Land Use Plan detailing the open space calculations for the project.

The Gross Site Area for the project is 40,641 square feet with a maximum 11,000 square feet of non-residential space. By providing open space equal to 10% of the 29,641 square feet of residential space and 20% open space for the 11,000 square feet of commercial space, the total required amount of open space to meet the Tier I requirement is 5,164 square feet and the total required amount of open space to meet the Tier II requirement is 5,681 square feet. The PUD is providing a minimum of 14,000 square feet of open space (3,000 square feet public and 11,000 square feet private).

PR2. What is the proposed or anticipated amount of open space above ground level in square feet/acre and percentage? Also provide separate break out amounts for decks/balconies/patios; water quality facilities; and planting/supplemental zones.

PR 2 - See note 2 on the Land Use Plan detailing the open space calculations for the project. The PUD will provide a minimum of 11,000 square feet of above ground open space with approximately 5,000 square feet located on balconies and 6,000 square feet located within the amenity deck.

PR3. Provide anticipated amount of private vs. publicly accessible open space.

PR 3 - See note 2 on the Land Use Plan detailing the open space calculations for the project.

PR4. Water quality facilities must be designed and maintained as an amenity to receive credit for open space.

PR 4 – Noted.

PR5. PARD acknowledges note 23 on the Land Use Plan Notes sheet and the referenced reduction of open space for urban properties. While the proposed 25-year rent free term can be interpreted as an additional community benefit, it is a finite term that may not fully consider the lifespan of the development and the impacts of reduced open space on its tenants. Would the applicant consider extensions to the proposed term at same or reduced rates for PARD or other City Departments or other community benefit once term expires?

PR 5 – The project is not requesting a reduction in open space. The area described in note 23 is an additional community benefit. Per a telephone conference between Chris Yanez and Amanda Swor on January 18, 2013 the reviewer is acceptable to the 25 year term of the area.

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Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor
Project Manager

Enclosures

cc: Jerry Rusthoven, Planning and Development Review Department (via electronic delivery with enclosures)
Lee Heckman, Planning and Development Review Department (via electronic delivery with enclosures)
Will Cureton, Ascension Development (via electronic mail without enclosures)
Scott Rodgers, Ascension Development (via electronic mail without enclosures)
Alex Condos, Post Investment Group (via electronic mail without enclosures)
Steve Drenner, Firm (without enclosures)

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

Tier I Requirement	Compliance	Superiority	PUD Note
1. Meet the objectives of the City Code.	Yes.	<p>The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the mouth of the Pfluger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be compatible with pedestrian and cyclist use. In addition, the project substantially complies with Subchapter E, supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves on-site trees, treats untreated, off-site stormwater, provides funding for off-site pedestrian improvements to be utilized by area residents and park users, creates a new public "storefront" for the Parks and Recreation Department and creates both a sustainable and architecturally interesting building, without any visible on-site parking from outside the project. The mixed-use project is designed to be compatible with private and public surrounding land uses.</p>	See notes described below, especially the following: 3, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36 and 37.
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes.	<p>The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Road that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features, and such water quality treatment extends to the capture and</p>	<p><u>NOTE 19.</u> THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON ROAD EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN</p>

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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>treatment of untreated off-site stormwater.</p> <ul style="list-style-type: none"> ▪ The project will create high quality development by utilizing innovative design and high quality construction. The building will be a concrete and steel structure instead of wood framing that is typically used for apartment buildings in this area. The building will contain three levels of below grade parking, together with at-grade parking to support the retail areas that are sheltered from view by those retail areas, eliminating the visual presence of a parking garage from all sides of the building. The architectural design utilizes a multi-face concept that steps down in height from west to east. The building steps back from Riverside Drive creating an extension of the pedestrian friendly green space of the hike and bike trail across Riverside Drive into a landscaped pedestrian-oriented plaza open to the public at all times. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott Theater as a gateway to the area south of Lady Bird Lake. ▪ Given the location of the project, adequate public facilities and services are generally found in the 	<p>SUCH PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> <p><u>NOTE 20.</u> THE PROJECT WILL UTILIZE CONCRETE AND STEEL CONSTRUCTION, AND WILL MEET OR EXCEED ALL APPLICABLE WATERFRONT OVERLAY DESIGN STANDARDS</p> <p><u>NOTE 22.</u> THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND</p>
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

		<p>area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department for utilization as a "storefront". The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The retail and restaurant space will function harmoniously with the Zach Scott Theater, and will allow for a northward continuation of a retail presence from the current retail space located on the ground floor of the Bridges mixed-use project on the sites southern boundary to the intersection of Riverside Drive and South Lamar Boulevard, and then in an easterly direction along Riverside Drive to Lee Barton Road.</p> <ul style="list-style-type: none"> ▪ The proposed off-site improvements include additional sidewalks along Lee Barton Road and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. ▪ This project will include City of Austin bike share facilities in the public plaza area, as well as enhanced bike parking for retail users of the Project. ▪ See additional notes referenced in this chart for other terms described herein. 	<p>WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE</p>
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Tier 1 & Tier 2 Compliance

			<p>BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p> <p>NOTE 23. AT LEAST 1,000 SQUARE FEET OF USABLE FIRST FLOOR RETAIL SPACE SHALL BE OFFERED TO THE AUSTIN PARKS AND RECREATION DEPARTMENT ("PARD") ON A "RENT-FREE" BASIS FOR USE BY PARD FOR A PUBLIC "STOREFRONT" OR RETAIL SPACE FOR A PERIOD OF 25 YEARS BEGINNING UPON THE DATE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. PARD SHALL BE RESPONSIBLE FOR ELECTRIC AND UTILITY CHARGES FOR THE SPACE FOR THE TERM PERIOD. ADDITIONALLY, FOR AS LONG AS THE SPACE IS UTILIZED BY PARD, THE OWNER SHALL PROVIDE TWO (2) ON-SITE PARKING SPACES IN THE GARAGE RESERVED FOR PARD USE BETWEEN 9:00 AM AND 5:00 PM ON WEEKDAYS.</p>
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			<p>NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$69,768 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:</p> <p>A. A SIDEWALK ON LEE BARTON ROAD FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON ROAD);</p> <p>B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON ROAD AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;</p> <p>C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON ROAD</p>
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			<p>AT THE INTERSECTION OF LEE BARTON ROAD AND RIVERSIDE DRIVE.</p> <p>ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT.</p> <p>NOTE 27. THE PROJECT WILL PROVIDE THE FOLLOWING BICYCLE FACILITIES:</p> <p>A. BICYCLE PARKING FOR RETAIL PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED BICYCLE PARKING FOR SUCH RETAIL AREA OR (2) 10 BICYCLE PARKING SPACES. ALL SUCH BICYCLE PARKING SPACES SHALL BE LOCATED ON THE GROUND FLOOR OF THE PARKING GARAGE, WITHIN</p>
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			<p>THE PUBLIC PLAZA AREA OR WITHIN THE PLANTING OR SUPPLEMENTAL ZONE ALONG ANY OF THE ADJACENT ROADWAYS;</p> <p>B. BICYCLE PARKING FOR THE RESIDENTS OF THE PROJECT. SUCH BICYCLE PARKING SHALL BE PROVIDED IN A SECURE LOCATION WITHIN THE PROJECT'S PARKING GARAGE; AND</p> <p>C. IF ELECTED BY THE CITY OF AUSTIN WITHIN TWO (2) YEARS OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT, A PUBLIC "BIKE SHARE KIOSK" IN A LOCATION MUTUALLY ACCEPTABLE TO THE CITY OF AUSTIN AND THE APPLICANT IN THE PROJECT'S PUBLIC PLAZA AREA OR THE PLANTING OR SUPPLEMENTAL ZONE ALONG RIVERSIDE DRIVE. SUCH "BIKE SHARE KIOSKS" SHALL BE SIZED AS DESIRED BY THE CITY OF AUSTIN (BUT NOT TO</p>
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211 S. Lamar PUD
Tier 1 & Tier 2 Compliance

			EXCEED 10 BIKE PARKING SPACES WITHOUT THE FURTHER CONSENT OF THE OWNER) AND SHALL BE OPERATED AND MAINTAINED BY THE CITY OF AUSTIN CONSISTENT WITH OTHER "BIKE SHARE KIOSKS" IN THE GENERAL PROXIMITY OF THE PROJECT.
			<p><u>NOTE 32.</u> THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS. THE CRITICAL ROOT ZONE AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED.</p> <p><u>NOTE 37.</u> THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 14,000 SQUARE FEET. A MINIMUM OF 3,000 SQUARE FEET OF PUBLIC OPEN SPACE SHALL BE PROVIDED ON THE GROUND FLOOR OF THE PROJECT. A MINIMUM OF 11,000 SQUARE FEET OF PRIVATE OR PUBLIC OPEN SPACE SHALL BE</p>
3. Provide a total amount of open space that equals or exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that:	Yes.	The PUD is required to provide 5,164 square feet of open space to meet the Tier 1 PUD requirement of 10% of residential space and 20% of nonresidential space. The PUD will provide a minimum of 14,000 square feet of open space.	
a. A detention or filtration area is excluded from the calculation unless it			

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is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property with characteristic that make open space infeasible if other community benefits are provided.			PROVIDED ON LEVELS ABOVE THE GROUND FLOOR. DECKS, BALCONIES, PATIOS AND WATER QUALITY FACILITIES SUCH AS RAIN GARDENS, RAIN WATER COLLECTION AREAS, VEGETATIVE FILTER STRIPS, BIO-FILTRATION AND POROUS PAVEMENT FOR PEDESTRIAN USE LOCATED ON EITHER THE GROUND FLOOR OR UPPER FLOORS SHALL BE PERMITTED TO BE INCLUDED IN THE CALCULATION OF OPEN SPACE AS LONG AS ANY SUCH AREAS ARE AT LEAST 5 FEET IN WIDTH.
4. Comply with the City's Planned Unit Development Green Building Program.	Yes.	The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier 1 item to be participation in the City's Green Building Program at a 2-Star Level).	NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.
5. Be consistent with the applicable neighborhood plans, conservation district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	Yes	<ul style="list-style-type: none"> The project is in compliance with all aspects of the Waterfront Overlay other than height, and the project does not exceed the Butler Shores Subdistrict maximum height limit. The design of the project respects the historic Paggi House on its southern border, the adjacent Bridges project on its southern border, and the parkland across Lee Barton Road to the east of the project, by having the "U" opening towards 	<p>NOTE 4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA.</p> <p>NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD</p>

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		<p>the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project's parking garage.</p> <ul style="list-style-type: none"> • The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. • The uses and design of the project are compatible with the Zach Scott Theatre located across South Lamar Boulevard by providing a significant stepback from Riverside Drive (thereby preserving a view corridor to Lady Bird Lake from the outdoor patio on the second floor of the Zach Scott Theatre) and by providing retail and restaurant uses that will be utilized by patrons of the Zach Scott Theatre. 	<p>EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON ROAD EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.</p> <p><u>NOTE 21.</u> THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (\$2.2.2.B); SUPPLEMENTAL ZONE WIDTH (\$2.2.2.C.1); GENERAL BUILDING PLACEMENT (\$2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (\$2.2.3.E.3); CONNECTIVITY (\$2.3); PARKING REDUCTIONS (\$2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES</p>
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			<p>(§2.7.3.C & D).</p> <p><u>NOTE 22.</u> THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. THE PROJECT WILL HAVE THREE BUILDING BLOCKS DESCRIBED AS FOLLOWS:</p> <p>A. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE AND ALONG THE PROJECT'S RIVERSIDE DRIVE EDGE TO A POINT APPROXIMATELY 10 FEET (EXCLUDING BALCONIES) FROM THE SITE'S EASTERN PROPERTY LINE;</p> <p>B. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE SITUATED ALONG THE EASTERN PORTION OF THE</p>
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		<p>PROJECT'S RIVERSIDE DRIVE EDGE AND WILL WRAP THE RIVERSIDE DRIVE/LEE BARTON ROAD CORNER AND CONTINUE ON THE PROJECT'S LEE BARTON ROAD EDGE TO A POINT APPROXIMATELY 40 FEET FROM THE SITE'S SOUTHERN PROPERTY LINE; AND</p> <p>C. THE THIRD BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 35 FEET AND WILL BE SITUATED ALONG THE PROJECT'S LEE BARTON ROAD EDGE BETWEEN THE SOUTHERN EDGE OF THE SECOND BUILDING BLOCK DESCRIBED ABOVE AND THE SITE'S SOUTHERN PROPERTY LINE.</p> <p>NOTE 31. PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE, 38 PARKING SPACES FOR THE PAGGI HOUSE WILL BE</p>
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Exhibit D - 52

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